Witch Hunt

The Revival of Heresy

CAREY McWILLIAMS

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Witch Hunt
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THE REVIVAL OF HERESY

By CAREY McWILLIAMS

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It is with the saints here as with the boughs of trees in time of storm. You shall see the boughs beat one upon another as if they would beat one another to pieces, as if armies were fighting; but this is but while the wind, while the tempest lasts; stay awhile, and you shall see every bough standing in its own order and comeliness: why? because they are all united in one root; if any bough be rotten, the storm breaks it.

JEREMIAH BURROUGHS

Boston

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1950

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Dedicated to the Aidlins,
Mary and Joe; and, with some
reservations, Mike . . .

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Witch Hunt

Introduction

> Witchcraft, and all manner of spectre-work, and demonology, we have now named madness, and diseases of the nerves, seldom reflecting that still the new question comes upon us: What is madness? What are nerves?
>
> — CARLYLE

In equinoctial times, when day and night are in balance, when old worlds are dying and new worlds are struggling to be born, there is always a prevalence of witches. For there is a season to hunt witches as there is a season to shoot ducks, and the season for witches is the autumnal equinox. Witches are not made or spawned or fashioned; they are caught. Hunting witches is like playing a game: the witch is the one at whom the others point. Without a witch hunt, there would be no witches, and witches are never hunted without a reason. Witch hunts are a means by which, in time of storm, the belief in witches is exploited in order to control men's thoughts and to police their loyalties. The season for hunting witches is a season of terror and alarm, when "fear hath a hundred eyes" and "good and evil interchange their names"; when people, "wearied out with contrarieties," yield up moral questions in despair.

But it is also a season of promise: great new hopes are in the air, there is a quickening of social thought and energies, with deep stirrings and realignments, and, beneath the surfaces, an unmistakable surge toward the future. It is this surge which produces the grotesque regression to witch hunting and the ways of the Inquisition. Phases of this regression are clearly evident in the United States today. We have reached far back into history's museum of social horrors to resurrect such instruments of persecution as the test oath and the inquisitorial tribunal. The use of

these discredited political instruments in an age that boasts of its scientific achievements and its freedom from primitive fears and superstitions is not hard to explain. Once government attempts to suppress heresy by punishing heretics, the instruments to be used are dictated by the nature of the task. It is the use of these instruments that revives, not the fear of the witch, but the fear of being identified with the witch, which is one of the most terrible and despotic of fears. In time of storm this fear is used like a whip to coerce conformity.

Before people will succumb to this ancient scourging fear, however, the belief in witches must be revived, but this is never difficult in a season in which the mingling of light and darkness brings about a transposition of illusion and reality. In the weird lighting which precedes the equinoctial storms, social hallucinations and delusions flourish as an aspect of the general distortion in perception which makes even the most familiar objects and landscapes assume forbidding contours. Only a slight change in perspective is needed, in this light, to make giants of pygmies and monsters of godly opposites. It is easy to imagine that one sees witches in this light and it is easy, also, to believe in witches. For it is in this season that the Devil elects to reappear upon the earth and that the concept of heresy is revived. In time of storm, the boughs of the trees grind against each other as if armies were marching, as if every tree in the forest would be uprooted and destroyed. It seems as if the Devil himself had stirred up these equinoctial storms but this is a delusion, for the boughs grind against each other not because the Devil has commanded them to do so but because there is a storm in the world, because a tempest rages.

This, then, is a book about the illusions created by the boughs of trees in time of storm; it is about witches and heretics in modern guise and the use of heresy as an instrument of social control. But it began with a concern about civil rights . . .

1. CIVIL RIGHTS: CIVIL LIBERTIES

On October 29, 1947, the fifteen members of the President's Committee on Civil Rights issued their memorable report: *To*

Secure These Rights. The report was promptly hailed, and rightly so, as one of the great documents in the history of American freedom. For the first time in the nation's history, a systematic inventory of civil rights had been taken on a nationwide basis. The report noted areas of weakness, pointed up certain dangers, and called for a new birth of freedom. Over a million copies of the report were distributed and its recommendations, embodied in President Truman's civil rights program, touched off a major upheaval in American politics. And yet there is a curious irony about the report which future historians are certain to stress. "This committee," reads the report (page 47), "has made no extensive study of our record under the great freedoms which comprise this right (freedom of conscience and expression): religion, speech, press, and assembly. To have done so would have meant making this vast field the dominant part of our inquiry. We were not prepared to do this, partly because it has been and is being well studied by others. *What finally determined us was the conviction that this right is relatively secure.*" (Emphasis added.)

Although it would be unfair to charge the committee with a lack of foresight, still it is hard to overlook the failure to take notice of such items, for example, as the report of the Commission on Freedom of the Press, issued in April 1947, which warned, in the most emphatic way, that freedom of the press was endangered. Again, in August 1947, the American Civil Liberties Union, in its annual report, had pointed out that "the national climate of opinion in which freedom of public debate and minority dissent functioned with few restraints during the war years and after, has undergone a sharply unfavorable change." This change, moreover, had been marked, in the most significant manner, by the issuance of President Truman's loyalty order on March 22, 1947. The issuance of this order alone should have warned the Committee on Civil Rights that, by ignoring the civil rights guaranteed by the First Amendment, they were diverting public attention from the real threat to civil rights.

A simple comparison of one or two details of the President's loyalty program with earlier experiments in thought control

would have indicated the extent of the danger. For example, under the criminal syndicalism statutes and similar measures it was always necessary to prove that a particular organization had in fact advocated the overthrow of the government by force and violence or that the individuals charged with sedition or criminal syndicalism had in fact conspired to overthrow the government by such means. But under the new inquisition organizations are in effect banned by the simple technique of listing them as subversive without proof or evidence or an opportunity to be heard, and individuals are branded as disloyal and subversive solely by reason of their membership in such organizations. At the height of the delirium of the Palmer raids, organizations were not banned without a hearing nor were citizens deprived of civil rights merely by listing their names in a political rogues' gallery.

The failure of the President's committee to recognize the new threat to the freedoms defined by the First Amendment is symptomatic of a general inability to distinguish between illusion and reality in the field of civil rights. The American people will never knowingly acquiesce in any curtailment or abridgment of civil rights; but the course of events since the issuance of the report of the President's committee reveals a susceptibility to myth and illusion that could prove fatal to civil rights.

The initial illusion arises from the fact that, contrary to general expectations, few encroachments on civil rights took place during World War II, a circumstance which was widely interpreted as evidence of a new political maturity in the American people. To be sure, there were such shameful episodes as the wartime abrogation of the constitutional rights of Japanese-Americans and the violent race riots of midsummer 1943; but, by and large, the anticipated denials of civil rights did not take place. For one thing, the groups that had been anti-war in 1916 were, with a few exceptions, strongly pro-war in 1941. Whatever the explanation, the fact that the Roosevelt administration managed to steer clear of the witch hunts and loyalty crusades of the Wilson administration encouraged the illusion that we had progressed to a point beyond which any regression to less civilized political behavior was unlikely if not impossible.

This illusion was fostered by still another factor. The ferment which came with World War II—a war against fascism—touched off a great debate on civil rights for racial minorities, a debate which culminated, in a sense, with the issuance of the report of the President's committee. Although few basic reforms have been achieved, it is nevertheless true that public opinion on the general subject of racial discrimination has undergone a remarkable improvement since 1941. Faced with this improvement, it seemed difficult to believe that a regression could be taking place at the same time in other phases of civil rights. And it was still more difficult to believe that the same social forces which had brought the racial minorities issue into the foreground of public attention were also responsible for the tendency to curtail the basic freedoms guaranteed by the First Amendment. This apparent contradiction was as hard to accept as the real contradiction that the President who had appointed the Committee on Civil Rights should have cynically touched off the worst witch hunt in the last quarter century by signing the loyalty order on March 22, 1947, almost before the ink was dry on his signature to a letter, written to former Governor George Earle of Pennsylvania, in which he had laughed at Earle's lugubrious admonitions about "the red menace."

Both contradictions relate, of course, to the fact that a crisis in race relations, which had been long maturing, coincided with the first postwar realizations that a general crisis in the economy was maturing beneath a surface appearance of prosperity and excellent prospects for the immediate future. Determined to avoid if possible a merging of racial unrest and economic disaffection, the strategists of American reaction began to give the appearance of yielding on the subject of racial discrimination while, at the same time, stepping up the pressure against political and economic dissenters. Even as the nation debated the report of the President's Committee on Civil Rights, one could see that the hopeful expectation about a new deal for racial minorities was being encouraged as a cover for a campaign to coerce conformity on economic and political issues. For example, the report of the American Civil Liberties Union

for 1946–1947 was hopefully captioned "In Time of Challenge"; but the report for 1948–1949 appeared under the ominous caption: "In the Shadow of Fear." The Union's "balance sheet" for civil liberties showed forty-eight "favorable" items as against thirty "unfavorable" items for 1946–1947, with most of the favorable items being related to victories won in the fight against racial discrimination; but unfavorable items outnumbered favored in the ratio of three to one for the year 1948–1949, with the unfavorable items being almost entirely related to those civil rights which the President's committee had found to be securely protected.

Confronted with a mounting wave of public indignation on the score of racial discrimination, President Truman was compelled to sponsor a civil rights program for racial minorities; but he was disposed to this course of action, apparently, by his simultaneous discovery that this program could serve as an effective cover for his failure to protect other civil rights – for example, the civil rights of government employees. The more insistent the nation became that the civil rights of racial minorities should be protected, the more the public appeared to acquiesce in curtailments of the civil rights of economic and political dissenters. The more American Negro leaders, and their liberal allies, affirmed their freedom from economic and political heresies, the more comfortably the opponents of the President's civil rights program settled down to enjoy pleasant filibusters. For the last three years, the general agitation about the civil rights of racial minorities has consistently diverted attention from the extraordinary deterioration which has taken place in the public's willingness to respect and protect the rights of economic and political minorities.

Within the last three years, a distinction has gradually developed between "civil rights" and "civil liberties" which clearly reflects the tendency to renege on the moral commitment to freedom which is part of the American heritage. The fact that President Truman appointed a committee on civil rights rather than civil liberties attracted little attention at the time but the meaning of the distinction has since been clarified. For example,

Mr. Philip B. Perlman, Solicitor General of the United States, speaking before the Anti-Defamation League of B'nai B'rith in Chicago on May 13, 1950, implied that civil rights are essentially those rights which government should affirmatively safeguard, such as the right to be free of discrimination on the grounds of race, color or creed; whereas civil liberties are those rights which the individual asserts *against* government, such as freedom of thought and speech. The distinction is implicit in "the shield and the sword" metaphor developed by Robert K. Carr, who served as executive director of the President's Committee on Civil Rights, in his book *Federal Protection of Civil Rights* (1947). In the case of civil liberties, the government is merely a "shield"; in the case of civil rights, it can be a sword used to strike down discriminations. But what if the price which government demands for the affirmative protection of civil *rights* is an acquiescence in the curtailment of civil liberties?

Up to a point, the distinction between civil rights and civil liberties is valid but it has been given a dangerous extension and, in a sense, the danger was inherent in the distinction. For the distinction implies that government can act affirmatively to safeguard "rights," which it bestows, but need not protect "liberties" which are asserted against government and can therefore easily acquire anti-governmental implications. In a subtle way, agitation for the first becomes proper, even fashionable, and meets with the approval of the administration, which likes to be cast in the role of paterfamilias to racial minorities strategically distributed in certain states with a large electoral vote; whereas agitation for civil liberties inferentially constitutes an improper concern for the sharp thornlike rights which run counter to the hardening ideology of Big Business and is therefore heretical. Doubtless the distinction was never intended to serve as a rationalization but it is being used in this fashion, and most conveniently, for it enables spokesmen for the administration to use the right phrases while avoiding many of the tough issues and decisions.

That the distinction has now achieved wide acceptance may be shown by reference to a report of the American Jewish Congress and the National Association for the Advancement of

Colored People entitled *Civil Rights in the United States in 1949.* In the foreword appears this statement: "This report, like the previous one for 1948, deals with civil *rights,* namely with those civil *liberties* which are denied to persons because of their race, color, religion, or national origin or ancestry." In short, civil rights are a special category of civil liberties. This is an innocent-appearing and, within limitations, perhaps even a useful distinction; but it enables defense organizations to turn in a report on civil rights which, for all practical purposes, ignores precisely those areas of civil liberties which are under most direct fire and attack. Specifically, the distinction made it possible for both organizations to conclude that "the year 1949 witnessed a number of encouraging developments in the protection and extension of civil rights in the United States." The statement is accurate enough but it diverts attention — and most dangerously — from the fact that 1949 also witnessed major attacks on civil liberties *by government.*

This tendency to separate civil liberties into categories is inherently dangerous; it is also most unrealistic. Civil liberties are cognate, interrelated, interdependent rights. It is quite unrealistic to assume that one side of the structure of freedom can be strenghtened while another is being weakened. A glance at the vote in Congress on key civil liberties issues will show, clearly enough, that racial minorities cannot win victories at the expense of the civil liberties of political minorities. The forces that have blocked the FEPC have been the same forces that have supported the House Committee on Un-American Activities. As Mr. Perlman has pointed out, in the speech mentioned, "a government which is totalitarian violates 'civil rights' as well as 'civil liberties.'" Indeed it cannot be otherwise, for freedom is indivisible.

The same contradiction appears in public attitudes on specific civil rights issues affecting the rights of economic and political minorities. When, early in 1949, the University of Washington ousted two professors enjoying permanent tenure rights solely because they were members of the Communist Party and disciplined three of their colleagues, also enjoying permanent ten-

ure, for once having been members of the Communist Party, the contradictory position taken by most American educators on the case became embarrassing to witness and painful to record. For example, in a survey of opinion among the nation's leading educators, Benjamin Fine reported that sentiment was ". . . virtually unanimous in upholding the ouster of Communist Party members." [1] Almost without exception, these educators, including most of the nation's college presidents, assured Mr. Fine that ". . . the dismissal of Communist teachers will not impair our traditional principles of academic freedom."

But, these assurances to the contrary, something was actually impairing the principles of academic freedom, as witness the fact, reported in the same survey, that the American Association of University Professors was being "swamped" with complaints and that the principle of academic freedom, in the opinion of the nation's educators, was under the most severe attack in the history of American education. The caption of this section of Mr. Fine's report indicates its contents: "Charges of Freedom Curbs Rising in Nation's Colleges." [2] The assurance by the nation's educators that the ouster of Communist instructors solely because of their political affiliation would not impair academic freedom began to recall, in a most uncomfortable and embarrassing way, President Truman's assurance that the loyalty order would safeguard civil rights.

In the same article in which Mr. Fine reported that American educators were virtually unanimous in their approval of the ouster of Communist instructors, he also reported that these same educators were equally unanimous in their opposition to loyalty oaths. Confident that the ouster of Communists would not impair academic freedom, they were nevertheless "alarmed and dismayed" to note the enactment of statutes in Kansas, Massachusetts, and Pennsylvania authorizing the dismissal of teachers on the ground of "disloyalty"; of statutes in Maryland, New York, and New Jersey forbidding teachers to join certain organizations; and of new legislation in a score of states authoriz-

[1] *N. Y. Times*, May 30, 1949.
[2] *Ibid.*, May 20, 1949.

ing nonteaching personnel to make checkups and investigations on the loyalty of teachers. One cannot ponder the contradictions between the assurance and the warning without becoming aware that the state of American public opinion on the subject of civil rights is far from satisfactory. Consider, by way of further illustration, a recent statement on academic freedom by the United States Commissioner of Education, Mr. Earl James McGrath.[3]

Mr. McGrath believes in academic freedom *but* . . . "at the same time, I believe we should be willing and ready to sign loyalty oaths *if present pressures of public opinion require them.* Organized opposition to loyalty oaths places the profession in a *questionable* position. . . . The great danger to the future of education in America, and to the American way of life, is that in our effort to avoid the spread of communistic doctrines we may turn this nation into a police state." To oppose the pressures of public opinion, however, would be to assume ". . . a heavy burden of explanation at a time when . . . energies are needed to promote democratic values and practices *rather than* to fight a rear-guard action." In other words, academic freedom is to be protected by talking about democratic values and not by defending this freedom for those who hold unpopular beliefs or belong to unpopular minority parties; or, stated another way, academic freedom is to be defended only when it is expedient, safe, and rewarding to defend academic freedom. On its face the statement betrays a fear of freedom and a willingness to renege on the commitment which all freedom implies – namely, to defend the freedom of others, including the most unpopular minorities.

This tendency to profess allegiance to the symbols of freedom while reneging on the practical commitments is based upon a failure to note the source of those "present pressures of public opinion" to which Mr. McGrath refers. Are we to believe, for example, that the American public has become fearful of the implications of freedom and has decided to beat a strategic retreat from freedom's first principles? And if this be so, then

[3] *Journal of the National Education Association,* September 1949 (emphasis added).

of what is the public afraid? As I hope to demonstrate in the following chapters, it is the economic crisis – the storm that is blowing up – which is feeding the fears that are today being played upon and manipulated to undermine the public's belief in freedom as a policy as well as a principle. Either we do not see this crisis or, seeing it, we refuse to acknowledge that it exists. For we do not seem to realize that economic insecurity can make a mockery of civil rights; that "freedom of the press" can be made an utterly meaningless phrase without the enactment of a single statute encroaching on this freedom; that invisible social and economic pressures can be as destructive of freedom as the most overt and brutal repression. In short we seem to be so disturbed by the agitation of the boughs that we fail to see the storm. To believe that the removal of two Communist professors from a university faculty will safeguard academic freedom is an illusion; but the failure to see that this act undermines the whole conception of academic freedom is a gross social delusion.

2. *L'AFFAIRE McCARTHY*

> God help that Country where informers thrive!
>
> — ARCHIBALD MACLEISH

It began with a routine political speech of the Lincoln Day period, delivered at Wheeling, West Virginia, on February 9 by Senator Joseph R. McCarthy. "I have here in my hand," the Senator had said, "a list of 205 [employees] that were known to the Secretary of State as being members of the Communist Party and who nevertheless are still working and shaping the policy in the State Department." Resurrected by Willard Edwards of the Washington staff of the *Chicago Tribune*, the charge was distinctly second-rate bombast, being based on material which had been aired before a congressional subcommittee in February 1948. The charge was so sleazy that the Senator was not at all impressed with his own speech and returned to Washington unaware of the sensation he had created.

Once the sensation had broken, however, McCarthy skillfully kept it alive and pointed the story toward a climax. At a press

conference on March 21 – the original interest having begun to taper off – he announced that an unnamed man, connected with the State Department, was Russia's "top espionage agent in the United States." Certain that this would create a new sensation, he cunningly withheld the name of the individual until the last dram of sensationalism had been extracted from the anonymous accusation. Then he set a new sensation in motion by whispering to a group of newspapermen that the agent's name was Owen Lattimore, knowing that the "rumor" would leak and thereby build up interest in the case. In his first sensational Senate speech on February 20, McCarthy had not mentioned Lattimore; indeed Lattimore was clearly an afterthought. None of the descriptions which the Senator had then given of his "three top espionage cases" fitted Lattimore. Finally, after milking the preliminary sensations dry, he made a speech accusing Lattimore of being "the top Russian espionage agent."

From then on, the Senator managed to keep just one jump ahead of his colleagues, who seemed to be quite incapable of coping with his ever-changing charges and dispersed targets. By March 30, Lattimore was merely "one of the top Communist agents"; a little later he was merely "a bad policy risk"; and still later McCarthy confessed: "I fear . . . I may have perhaps placed too much stress on the question of whether or not he has been an espionage agent." By the use of these hit-and-run tactics, carefully repeating each charge after it had been refuted with merely a slight change in the wording, the Senator from Wisconsin kept the opposition constantly on the defensive. As Lattimore bitterly complained: "The truth never quite catches up with the lie."

The cumulative effect of this impudently mendacious attack was truly amazing. Although editorial opinion was generally critical – even hostile – McCarthy succeeded in making a deep impression. A small group of Republican right-wing Senators backed him outright; a large number of Democrats and Republicans were patently sympathetic; and there were many Senators who were clearly reluctant to oppose him for fear he might "turn up something." In a series of dispatches from Wisconsin,

James Reston reported that the grass-roots sentiment was by no means unfavorable to McCarthy. Even a full airing of the Senator's interesting background and connections, and Gerald L. K. Smith's enthusiastic endorsement, seemed to have little effect. McCarthy, reported Mr. Reston, was "doing better in Wisconsin than in Washington." [4]

But he seemed to be doing very well in Washington. On April 30, William S. White of the *New York Times* reported the existence of "a movement, perceptible if slow, of Senate Republicans toward association in one form or another, with Senator Joseph R. McCarthy . . . in his attacks on the alleged Communists in the State Department." And on May 14, Carroll Kilpatrick reported to the *San Francisco Chronicle* that "the McCarthy campaign against the state department is going to be continued indefinitely and with the support of the top Republican leaders in the Senate because it seems to be paying political dividends." On May 22, the *Washington Post*, in a full-page editorial, warned that "for weeks the Capital has been seized and convulsed by a terror." Even George Kennan, who had much to do with the containment policy, felt compelled to say that "the atmosphere of public life in Washington does not have to deteriorate much further to produce a situation in which very few of our more quiet and sensitive and gifted people will be able to continue in government." And finally the dean of Washington correspondents, Mr. Arthur Krock, implied that he was deeply impressed with McCarthy's charges. Only the fact that we have forgotten how witch hunts operate — only the fact that we have forgotten the meaning of heresy — can possibly explain the panic and consternation which "seized" and "convulsed" the capital of the world's greatest power upon its exposure to witch-hunting charges and tactics that were thoroughly stereotyped as early as the thirteenth century. Henry L. Stimson neatly summed up the situation when he said: "This man is not trying to get rid of known Communists in the State Department: he is hoping against hope that he will find some."

[4] *N. Y. Times*, May 21, 22, 1950.

But the real meaning of the amazing *affaire* McCarthy seems to have been entirely overlooked. In signing Executive Order 9835 on March 22, 1947, creating the loyalty program, President Truman was motivated, so he has stated, by a desire "to protect the security of the Government and to safeguard the rights of its employees." [5] But, somehow, this second objective does not seem to have been achieved; witness such headlines as this: "Loyalty Issue Keeps U. S. Employees Jittery" (*New York Times,* June 4, 1950). Even so, few observers have been willing to admit that McCarthyism is a direct outgrowth of the President's loyalty program. The parentage, however, is unmistakable.

It was a foregone conclusion that once 2,000,000 federal employees had been "tested" for loyalty, some demagogue — and if not McCarthy, then some other — would shout that the testing procedure had been inadequate or that it had been conducted by the "wrong" agency or that the standard of loyalty was defective. The curious fact is, of course, that the President's loyalty order failed to define a standard, nor has the Loyalty Review Board yet defined one.[6] But in retrospect it will be quite clear that McCarthyism is merely a second chapter in the loyalty obsession which the administration officially sanctioned three years ago.

For example, the Loyalty Review Board "closed its books on the first part of its program," namely, the investigation of incumbents, on December 31, 1949. This audit of loyalty had shown that 6412 federal employees had been investigated as "suspected cases of disloyalty." Hearings reduced the total to 3966, and, of this number, 3696 were found eligible to retain their jobs and 270 were dismissed. Of those dismissed, however, 69 were later reinstated, so that the total dismissals, among 2,000,000 employees on the payroll on October 1, 1947, have only been 201 or approximately one tenth of 1 per cent of all employees, and, of this number, 100 cases are pending on appeal! After three years

[5] *N. Y. Times,* April 25, 1950.

[6] See story *N. Y. Times,* May 21, 1950: "U. S. Reviews Fail to Define Loyalty."

of diligent investigation, not one single case of espionage was brought to light.[7]

These impressive findings did not, however, scotch the loyalty obsession. Quite the contrary, the release of the report was the signal to reopen the entire question; hence McCarthy's charges. For the question of loyalty has only the slightest relation to security; it is concerned, rather, with the control of heresy. It was for this reason that McCarthyism followed right on the heels of the completion of the first federal security audit. The immediate effect of McCarthy's charges, of course, was to undermine three years of investigation by the Loyalty Review Board. "Now, for several weeks," reported Jay Walz, "the pendulum of criticism has swung to the other side. Behind all of Senator Joseph R. McCarthy's charges of Communist infiltration of the State Department lies the implication that the Department's loyalty board is too soft, too lenient and ineffectual." [8]

This implication became painfully explicit when Charles Sawyer, Secretary of Commerce, was told by a subcommittee of the Congress to get rid of Michael Lee and William Remington or face an investigation of their cases. Mr. Sawyer promptly removed the two men although both had loyalty cases then pending before the Commerce Department Loyalty Board! Indeed Remington had been investigated two years previously and had been exonerated. The question, of course, is not whether either man is guilty or innocent but rather: of what value is a loyalty program that can so easily be set aside? By indicting Remington, the Attorney General indicated that he, too, was not impressed by the President's loyalty program. Even earlier, however, a clamor had arisen — as it was bound to arise — to "broaden" the test of loyalty and to vest jurisdiction in some independent agency, that is, some agency not connected with either the executive or the legislative departments. But this is only a further evasion of the basic problems, for such a commission would quickly become a political target. The plain fact is that the loy-

[7] *N. Y. Times*, April 6, 1950; also story by Cabell Phillips, *N. Y. Times*, February 19, 1950.

[8] *N. Y. Times*, June 4, 1950.

alty program has stimulated, not quieted, the hysterical concern with loyalty, for without a witch hunt, of course, there would be no witches.

The source of the trouble was clearly pointed out by Mr. Justice Edgerton of the United States Circuit Court of Appeals in his dissent in the Dorothy Bailey case. "The dismissal," he said, "violates both the Constitution and the Executive Order. However respectable her anonymous accusers may have been, if her dismissal is sustained the livelihood and reputation of any civil servant today and *perhaps of any American tomorrow* are at the mercy not only of an innocently mistaken informant but also of a malicious or demented one. . . . This dismissal abridges not only freedom of speech but freedom of thought . . . In the present connection it [loyalty] is not speech but *a state of mind*" (my emphasis). In other words there would be no trouble about loyalty or the morale of federal employees (which is a different problem) if we would remember what the Constitution is, namely:

> It is not a device for bullying little children.
>
> It is not a device for suppressing people who disagree with you.
>
> It is not a device for securing the dominance or leadership of any class in the community without effort on its part.
>
> It is a device to call the best energies of every citizen to the common service, to secure to each the fair reward of his labors, and to provide the Commonwealth with a competent and unselfish command.
>
> The Commonwealth seeks not loyalty with a sword, but peace and liberty. It knows that loyalty will follow wherever peace and liberty are secured.[9]

It is only when the Constitution is breached that heresy can be used as a whip to produce the dream of every rabble-rouser and

[9] "The Constitutional Questions Raised by the Flag Salute and Teachers' Oath Acts in Massachusetts" by George K. Gardner and Charles D. Post, *Boston University Law Review*, Vol. 16, No. 4, November 1936, p. 803, p. 843.

demagogue, namely, a political audience with conditioned reflexes.

Once McCarthyism had ushered in the second chapter of the loyalty program, it was interesting to watch the behavior of the administration which had set the program in motion. For now McCarthy was calling Mr. Acheson the "Red Dean of Washington" and charging that "he works on the Red Team." Even more amazing than the fact that this charge should be made by a United States Senator against the Secretary of State was the dead-pan seriousness with which three former Secretaries of State came to Acheson's defense, not realizing, of course, that to take the charge of witchcraft seriously is always to lend credence to it. It was also amazing to read Ambassador Jessup's testimony – the Ambassador was charged with witchcraft because he had once acted as a sponsor for the American Russian Institute – in which he vehemently protested "the tendency to select two names on a list in some undefined context and then to assume that the coexistence of these two names reflects a coexistence of attitudes among these two persons." [10] But precisely this doctrine is embodied in the President's Executive Order No. 9835 – an order on which, like a spike, an Ambassador appointed by the President now found himself impaled.

Caught in this embarrassing position, the President first attempted an oblique counterattack: it was not possible, he said, "to libel McCarthy" (April 14, 1950). But when this failed to quiet the storm, he made a speech to the Federal Bar Association in Washington (April 25th) in which he sought to distinguish between "Communist imperialism abroad" and Communism as a domestic menace. The latter, he said, had been grossly exaggerated. But if the domestic Communists were merely "a noisy but small and universally despised group," then why the loyalty program? Indeed his signature on the loyalty order gave the opposition the answer to his argument. Still later, it was truly amazing to read the President's letter to Clyde A. Lewis, of the Veterans of Foreign Wars, in which Mr. Truman said that all this

[10] *N. Y. Times,* March 21, 1950.

"fuss" about what organizations a man belongs to gave him "a pain in the neck"! (June 6th.) "I'd be willing to bet my right eye," he said, "that you yourself and I have joined some organizations that we wish we hadn't. It hasn't hurt me any and I don't think it has hurt you any." At this point, one would like to have the comments of Dorothy Bailey. Unfortunately Mr. Truman has given the sanction and prestige of his office to the very doctrine which he now seeks to disavow. The President does not believe in witches but . . .

Nor do we, the American people, believe in witches but . . . there is the testimony of Louis Budenz in the Lattimore case. Budenz testified, it will be recalled, that he had never met Lattimore; that he had never seen the man; that he had scarcely scanned one of his books. Yet, taking advantage of his immunity as a witness, he testified that Lattimore was a Communist because someone once told him, out of Lattimore's presence, that the latter was a Communist. Let Lattimore try to rebut that testimony. Budenz, of course, *had* to give this testimony for he must now constantly prove that he is no longer a witch and, to be acceptable, this proof, now as always, must take the form of a denunciation of those more prominent than the witness. In stating that Budenz had falsely attacked him for no other reason than "extremely sordid motives of personal career and personal profit," Mr. Lattimore reveals a faulty understanding of the mechanism of heresy. Fear was the real motive — the dreadful fear of being named a relapsed heretic. It is easy to understand Budenz, if one understands heresy. In the fifteenth century, 30,000 witches were sent to the stake on the testimony of such witnesses.

Not understanding heresy, Mr. Lattimore does not realize that he is guilty of the charge leveled by McCarthy in the dual sense: first, that he cannot disprove the charge; and second that the charge is essentially true. The problem, of course, is to define the charge. Owen Lattimore is obviously not a Communist, and no more than was George Washington is he guilty of espionage. But these were not the real charges. Even so, Lattimore found it very

difficult to disprove these ludicrous charges. Nothing that he said – and his statement was magnificent – could win complete exoneration, for an accusation of witchcraft, once made, cannot be obliterated. This particular charge will follow Lattimore for years to come. Aside from this, Lattimore faced the same dilemma that Harry Bridges faced in his recent trial; he could not prove that it was true that he was not a witch. The issue, indeed, cannot be proved when it is couched in this form and it is couched in this form so that it cannot be proved.

This is quibbling, however, for Lattimore is guilty of the real charge, which was *heresy*. Once finally cornered, McCarthy voiced the real charge against Lattimore and Jessup, namely, that they had supported a policy in China with which he – along with Senators Knowland, Wherry, and others – disagreed. This was the real charge. And because this was the charge, McCarthy was quite right in saying that it was wholly immaterial whether Jessup "is well-intentioned and has made some good anti-Communist speeches or that he has, perhaps, had a successful tift with Andrew V. Vishinsky." This is precisely what Dorothy Thompson implied in a column of April 23, when she wrote: "I think Lattimore is not a Communist but the policies he has advocated certainly cannot be described as anti-Communist." In short, *policies*, *ideas*, *attitudes*, and *state of mind* (as rebellious or nonconforming) make up the crime of heresy and it is *this crime* with with which the loyalty program is concerned. We do not believe in witches but . . .

We do not believe in witches *but* . . . in the year 1948 an American *university* employs untrained and politically illiterate "anti-Communist" experts to ferret out witches and heretics on the faculty and these experts gravely assure the administration that a person can be a member of the Communist Party without knowing it, just as a witch could be possessed of the Devil without being aware of the fact. We do not believe in witches *but* . . . we are given vehement assurance, by a university president, who happens to be a trained scientist, that because Lysenko deals harshly with heretics in the Soviet Union,

heretics should be banished from the faculty of an American university in Corvallis, Oregon. We do not believe in witches *but* . . .

One can grant every count in the indictment of Communism and still fail to understand educators who defend clear violations of academic freedom in the name of academic freedom or leaders of a great industry who, with a perfectly straight face, assure us that the purging and blacklisting of employees solely for their political opinions represents an outstanding contribution to free speech. For the contradiction implicit in these attitudes stems not from a fear of Communism but from a fear of being identified with Communism, and this fear, of course, is fed by feelings of insecurity engendered by an increasingly monopolistic and dictatorial economy, an economy in which one dissents at the risk of forfeiting livelihood, status, and reputation.

To make this demonstration it is necessary to explore the relation between the image of freedom and the reality of freedom in contemporary America and also to inquire into the nature and meaning of heresy and the distortions and delusions upon which the belief in witchcraft has always rested. The nature of this assignment has compelled me to adopt a rather roundabout method for it is the *meaning* of certain questions rather than the questions themselves which must be examined if the relationship between freedom's image and its reality is to be explored. Every age, as Susanne K. Langer has pointed out, is beset with certain preoccupations which find expression in a limited number of key issues or questions. These questions usually throw more light upon the real problems of the age than the answers which are offered. Any question is an ambiguous proposition since only a limited number of answers will complete the meaning of any question. The question, in other words, is a form of statement of which the answer is the determination. To understand why a question is phrased as it is phrased is to understand the relation between the question – the abstract proposition – and the reality from which it is supposed to issue. I have sought to explore, therefore, the meaning of such questions as: Should Communists be permitted to teach in American colleges? Should left-wing writers

be permitted to work in the motion picture industry? Should a Communist be permitted to hold a fellowship financed by government funds? Should art galleries be permitted to exhibit the works of Communist artists? and similar questions, or perhaps I should say, similar bear traps.

With this purpose in mind, Book One is devoted to a study of certain forms of modern heresy and to the meaning of such questions as: What is loyalty? Who are the loyal? What is the cause of the current loyalty obsession? Book Two is given over to a study of certain issues affecting academic freedom. Here I have emphasized the University of Washington case for the simple reason that it is entirely free of extraneous complications, there being no overtones of espionage or sabotage or references to pumpkins, microfilms, Soviet agents, atomic secrets, or "beautiful blond spies." The six professors who figure in the University of Washington case were charged with heresy – just that and nothing more. Book Three is devoted to a study of the nature and origin of heresy and the delusions upon which the concept rests. It is my hope that this book will be read by those who favor the burning of witches for it is really addressed to them. To these, then, may I say that I too believe in witches and witchcraft, although in a very special sense. The charge against the witch may be false but the situation out of which the charge arises is always real. Since I believe that those who chase witches are the victims of this situation no less than the witches, I can hardly be accused, in all fairness, of being a partisan of witches. I am really much more concerned about the storm, and all it portends, than I am about the agitation of the boughs, which, after all, are united in one root.

BOOK ONE

"*Fear Hath a Hundred Eyes*"

Fear hath a hundred eyes that all agree
To plague her beating heart; and there is one
(Nor idlest that!) which holds communion
With things that were not, yet were *meant* to be.

— WORDSWORTH

I

The Loyalty Obsession

THE ISSUANCE by President Truman of Executive Order No. 9835 on March 22, 1947, setting up a federal loyalty program, marks the beginning of an American obsession with loyalty that, in broad outline, parallels a similar Russian obsession dating from the "all-out campaign" against the Leningrad Literary Group in August 1946.[1] Since then states, counties, and cities have imitated the federal program; many industries and plants now require affidavits of loyalty from their employees; scores of trade unions have adopted a similar requirement, along with schools and colleges; and, in California, an association of amateur archers now demands an affidavit of loyalty from its members! Not since the time of the Alien and Sedition Acts has the federal government been so intensely and morbidly preoccupied with the loyalty of the American people.

As citizens, we are asked to believe that this preoccupation with *our* loyalty finds immediate justification in a series of "revelations" about spy rings and espionage activities and, generally, in a tense international situation. However, when our officials comment upon the parallel preoccupation of the Soviet government, the mote suddenly obscures the beam. For example, Lieutenant General Walter Bedell Smith, by way of answering the question: "Why were the Soviet authorities so apprehensive about the loyalty of the masses, particularly after the conclusion of a successful war?" points unerringly to the impact of the war upon internal tensions in the Soviet Union. Superficially the American obsession with loyalty appears to stem from the facts

[1] *My Three Years in Moscow* by Lieutenant General Walter Bedell Smith.

and implications of "the cold war"; but in this respect we could be the victims of a serious delusion.

One way to clarify the meaning of the loyalty program is to identify some of the instruments being used to determine who is loyal and who is disloyal. Properly identified, these instruments provide the key to an understanding of the curious psychological warfare which the government has been waging against the people for the last three years. Surely the use of the political court-martial to coerce conformity and the revival in the United States, in the middle of the twentieth century, of the discredited and abhorrent "test oath" should remind us that a concern with loyalty has often served as cover for an attack on civil liberties.

1. THE MATTER OF OATHS

Allegiance has a different background in America than in England, or, for that matter, in most European countries. With us, the obligation of allegiance is not derived from an oath but from a relationship. "Allegiance and protection," wrote Chief Justice Waite, "are reciprocal obligations. The one is compensation for the other; allegiance for protection and protection for allegiance." With the British allegiance remained an aspect of fealty until they were finally forced to acknowledge, after a long experience with test oaths, that allegiance to the modern state rests upon considerations slightly more complex than the sworn loyalty of a servant to his master. A subject "swears" allegiance to his sovereign; the allegiance of American citizens goes to the compact embodied in the Constitution and derives from the citizenship conferred by the Fourteenth Amendment. It does not imply an uncritical acceptance of the foreign policy of the government even in a critical period nor does it imply ideological conformity. We pledge allegiance to the flag; not to the profit system. The growth in democratic understanding implied in the distinction between the allegiance of citizens and the feudal fealty of subjects is clearly reflected in the history of the disastrous "test oath" from which the modern loyalty affidavit derives.

After the passage of the act vesting the succession in the heirs of Anne Boleyn, the words "papist" and "popery" became devil words with the British Protestants. The "papists," of course, were "agents of a foreign power," whose activities were supposed to be directed by a highly disciplined "conspiratorial" organization which, of course, was plotting to overthrow the government "by force and violence." The papists, it was said, evaded perjury by subtle equivocations and reservations which were encouraged and condoned by the Jesuits. In the popular view, the Jesuits were known for their "secret notions and traitorous practices." [2] To cope with this situation, a thoroughgoing "loyalty program" was inaugurated. Papists could not hold office; they were banished from the court; they could only live in certain restricted areas; they were subject to periodic fines; their properties could be confiscated; their religious ceremonies were often prohibited for long periods; the Catholic party or faction was banned; and individual Catholics faced the constant threat of arrest, imprisonment, and exile. Officials with Catholic wives were placed under close surveillance; proposals to take Catholic children from their parents were seriously considered; and "mulcts in purse and person" were levied right and left. It should be added, also, that Catholic and Protestant were then partisan political designations. Couched in the idiom of theology, the struggle was undeniably political.[3]

When from time to time a high-ranking British official was identified as having been a "secret" Catholic, a spasm of fear swept through high court circles and still another investigation would be promptly ordered. But each investigation only gave rise to new waves of persecution. Incidents such as the celebrated Gunpowder Plot served to keep the fear of "papist treachery" alive and the manipulation of this fear became a major political tactic. Every crisis in the relations between Britain and France, or Spain, including, of course, the persecution of Protestants by French Catholics, was likely to make matters more difficult for

[2] *The Development of Religious Toleration in England* by W. K. Jordan, 1932, Vol. I, p. 162.

[3] *Ibid.*, Vol. II, pp. 7 and 157; Vol. III, p. 17.

the Catholics in England and was invariably cited as justification for further repressions. But historians have noticed that the persecution of Catholics correlates more directly with "the state of the union" than with the state of relations between Britain and the Catholic powers on the Continent. Every domestic crisis, for some reason, brought forth new "revelations" about the papists or yet another artfully rigged "incident."

Today the verbalisms by which this incessant persecution of the Catholic minority was justified have a familiar sound. For example, in his famous "Apologie for the Oath of Allegiance," King James insisted that the anti-Catholic measures were purely civil and precautionary; he was concerned with the "loyalty," not the beliefs, of Catholics. It was his purpose to distinguish between "loyal" and "disloyal" Catholics, or, as he put it, between "trew subjects" and "false-hearted traitors." The oath was simply a device by which the former could be distinguished from the latter; no offense was intended. "No man hath lost his life," he explained, "no man hath indured the racke, no man hath suffered corporall punishment in other kinds, meerely or simply, or in any degree or respect, for his conscience in matter of religion." Yet all these things *were* happening to Catholics and the situation kept getting worse. No matter how often or how thoroughly the loyal Catholics were sorted out from the disloyal, the process was repeated with each new crisis in domestic affairs. The severity of the measures, also, seemed to increase with the gravity of the domestic crisis.

The test oath, of course, was the principal instrument by which Catholics were identified. Ostensibly concerned with loyalty, it was really an instrument used in a struggle for power between partisan groups. For years the best legal minds in England kept tinkering with the oath, clause by clause, word by word, until it finally became, in the words of Sir Frederick Pollock, "swollen with strange imprecations and scoldings." Every word in the oath was intended to make it that much more difficult for Catholics to challenge the dominance of Protestants, although the oath was always justified in terms of the "foreign danger" and "the Jesuit problem." Not only did the oath taker pledge allegiance and

agree to respect the line of succession but he was also required to repudiate any foreign allegiance and to abjure specific Catholic doctrines. This "doctrinal disavowal" was supposed to make the oath papist-proof; to make it airtight. No emphasis is required to point up the extraordinary power which the test oath gave to those who did the "testing" over those who were being "tested."

Once imposed, the test oath became increasingly vexatious as more abjurations and disavowals were constantly added and the penalties for perjury were increased. But the basic objection always went, not to the form of the oath, but to the very idea that a majority should arrogate to itself such a tyrannical power to intimidate and coerce a minority. Furthermore, the test oath imposed a definite qualification upon the rights of citizens; in fact it made citizenship a revocable privilege. As the author of a tract published in 1678 pointed out, the test oath destroyed the natural rights of the peerage and "turned the birthright of the English nobility into a precarious title. . . . What was in all former Ages only forfeited by Treason is now at the mercy of every Faction or every Passion in Parliament." Yet then as now the test oath was defended as an innocent expression of patriotic sentiment. No loyal American, we are told, could possibly object to making an affirmation of loyalty in which various foreign allegiances and "subversive" doctrines are repudiated. But if circumstances require an affirmation of loyalty, they will also require investigation and surveillance. And any attempt to investigate or verify the affirmation presupposes the use of spies and informers, the services of a political police, and the existence of some Star Chamber before which suspects can be haled for questioning. It also implies disabilities and penalties other than sentences for perjury. Thus a procedure originally sanctioned as a "mere ceremony" suddenly turns out to be a means by which some citizens impose disabilities on other citizens without due process of law.

Measures for testing loyalty are invariably developed outside the existing legal framework. Like other crisis-inspired measures, they are defended as temporary devices improvised to meet a

special emergency. It seems entirely proper, therefore, to tolerate certain departures from traditional forms. Besides, the fiction prevails that to charge a person with being disloyal is not to charge him with the commission of a criminal offense. Today, for example, the meanest pickpocket in the land can demand, as a matter of right, the protection of constitutional safeguards which government employees with long records of faithful service are denied by the loyalty review boards. The purpose of loyalty testing, it is said, is not to punish anyone – perish the thought! – but to guard the nation's security. As Macaulay caustically observed: "Only a rank Jacobite and an enemy of the Whig Party" would dare contend that the test oath had criminal overtones or that it resembled an ex post facto indictment. The difficulty, of course, is that the security of a nation is indistinguishable from the security of its citizens in the exercise of their rights.

By way of satirizing the diabolical sophistry that test oaths are merely "innocent ceremonies," counsel in an early American case had this comment to offer:

> We will not punish thee – we are merciful! But go – we proclaim thee an outlaw, disabled from following thy past calling – we forbid thee earth, fire and water, and commend thee to the charity of some other country in which we wish thee all success. No Punishment? I defy the history of the world to invent a punishment more refined and ingenious than to punish a man through his love of truth, his adherence to his word. He will not lie, he will not swear a false oath; no matter how guilty he be of offenses, he has a regard for the truth and will not lay a perjury to his soul. It is indeed an ingenious punishment; it dispenses with statutes defining offenses and providing penalties therefor; it dispenses with courts, with all their paraphernalia of indictments by grand juries and trial by petit juries, executing the law upon offenders; all that is needed, is, that a law be passed every year or two requiring every citizen to swear that he has never wronged or defrauded anyone; that he has never slandered his neighbor; that he has never committed murder, burglary, larceny, adultery, or fornication; and if he cannot thus swear, then forbid him to follow any

profession, trade or calling, for that will not be a punishment inflicted upon him, but a mere regulation of the trades, callings and professions in the State; and to provide such a regulation, the State has a most perfect right; nay, more, it may prohibit them all to non-jurors, and still violate no provision of the Constitution. . . . Had the Constitution provided, like some of the English statutes . . . that persons refusing the oath should be attained of a praemunire upon the first tender, and suffer as in cases of high treason for the second, that would be a punishment, and the law would be void as conflicting with the Constitution of the United States; but as the penalty does not reach to tangible property, nor actually touch the body, it is to be held no punishment, but a mere regulation of the business affairs of the people. Sirs! "You take my life when you do take the means whereby I live!" "Requiescat in pace" was the parting benediction bestowed by the Inquisitors as they turned away from the brother whom they walled up alive in his death cell. "Go in Peace" is the blessing bestowed upon those who may not swear by all the words of this new evangel of liberty.[4]

The same point, of course, is made in the old story about the Quaker and his dog, Tray. "Go to," said the Quaker to poor Tray, "I will not kill thee, but I will give thee a bad name." And so he turned poor Tray into the streets with the cry of "Mad dog!" and then someone else did kill poor Tray. . . .

2. *THE DUAL CONFLICT*

None of the parties to the incredibly bitter "religious wars" seemed to realize that the fanaticism of faith clearly masked a fanaticism of avarice. The tragedy of the situation, as Tawney pointed out, consisted in the fact that the problems of a swiftly changing economic environment should have burst on Europe at a time when it was already torn by religious dissension.[5] These

[4] 41 Mo. 340, decided in 1867.
[5] *Religion and the Rise of Capitalism* by R. H. Tawney, 1926, p. 82.

problems were naturally debated in terms of religious partisanship; but differences in social theory did not coincide with differences in religious affiliation. The struggle was not between capitalist Protestants and Catholic guildsmen but between producers and merchants some of whom were Catholics and some of whom were Protestants. The economic revolution prolonged and greatly intensified the religious controversy by vastly augmenting the stakes for which the parties contended. Conversely, the religious division made it possible to organize the struggle for control and dominance of the new social forces released by the economic revolution. "Anti-Catholicism" in England was, so to speak, the principle upon which social power was organized and, as such, it naturally had to be stepped up whenever a domestic crisis threatened the existing social controls. By providing a basis and rationale for exclusion, it gave a specific direction to the struggle for place and position.

Today an economic revolution, resembling that which swept over Europe during the "religious wars," cuts across national conflicts in much the same manner that the economic revolution of that period cut across religious dissensions. The fact that national rivalries, for all practical purposes, have been reduced to the rivalry between two great powers merely underscores the parallel. The revival of commodity production at the end of the Middle Ages did not cause so much as it exacerbated the religious conflict between Catholic and Protestant; and, similarly, the economic revolution of our time has not caused so much as it has intensified, and greatly complicated, national rivalries. Now as then the world is caught in a dual conflict: economic-theological then, economic-ideological now. Increasingly the great power rivalry of our time tends to be transformed into a world-wide ideological conflict. When a concern is expressed today over a person's "loyalty," as often as not it is his "ideological" loyalty which is in doubt; but unfortunately neither ideological nor religious loyalties respect national boundaries. In our time two conflicts, by no means identical (Socialism is not identical with Russian nationalism), have tended to fuse and the obsession with loyalty reflects this confusion. Thus we brand the ideological noncon-

formist as "disloyal" just as, in the period of the "religious wars," the religious nonconformist was persecuted as "an enemy" of the state in which he had been born, whose language was the only language he knew, and beyond whose borders he had probably never traveled.

It will be objected that the parallel with the "religious wars" is too remote; that the historical background of the test oath has no relevance to "the problem of Communism." But just where did the test oath first reappear in modern times? Oddly enough in Nazi Germany and Fascist Italy where police terror had reduced the idea of an oath to utter absurdity. In reviving the test oath, the Nazis were not quaintly attempting to test loyalty by medieval standards; they used the oath to humiliate and destroy political opponents. For example, there were any number of men in the German and Italian universities who were known as antifascists. But once these men had been compelled to take the oath of loyalty, they were morally discredited in the eyes of all who knew them and, more important, in their own eyes as well. Every antifascist who took the oath by this very fact undermined respect for the values upon which the opposition to fascism rested. With the Nazis and Fascists, the test oath was clearly a means by which political opponents were silenced and discredited and not a means by which loyalty was tested. Such an astute terrorist as Dr. Goebbels would have placed slight credence in an affirmation of loyalty from a German with an antifascist record; he understood the dual conflict of our times too well for that.

The failure to appreciate the meaning of test oaths is based in part upon a failure to recognize that dictatorships are brought into being by social conditions and not by evil notions or dangerous thoughts. Dictatorships appear during periods of maladjustment, when, as Dr. William Yale has pointed out, "the unity of the social group is torn to shreds by the variety of suffering and the resulting diversity of discontents." [6] The maladjustment is usually related to an inability to control the environment which comes about either through an ability to produce more than the society can consume at a profit or from an inability to produce

[6] *Journal of Social Psychology*, July 1939, pp. 336–340.

all that is needed. Whatever the cause, social institutions do not lose their validity until they have ceased to be suitable adjustments. When the maladjustment becomes acute and chronic, the resulting instability is said to be the work of "termites" and "fifth columnists" and the test oath and similar loyalty devices are then demanded as means by which "disloyal" elements can be identified. Instead of investigating causes, the society persecutes heretics; instead of unearthing reasons, it undertakes to suppress criticism. "It is distressing to realize," writes Dr. Carl J. Friedrich, "that the oath has always cropped up as a political device when the political order was crumbling. In the period of religious dissensions, the oath of allegiance made its appearance in England as an instrument of intolerance and, a little later, of royal aggression." [7]

3. "THE CENSORIOUS EYE"

In the main, we, the American people, have misjudged the motivation of the loyalty program because we have forgotten that the loyalty obsession really began twenty-five years ago, when the Soviet Union was merely an international hypothesis. It was during and immediately after World War I that loyalty first became a major obsession with us and, then as now, a special concern was voiced over the loyalty of teachers. The frenzy of these years culminated in the passage of the Lusk Laws in New York in 1921. From the day of their adoption, the laws involved the administration of the schools in a nightmare of dissension, litigation, and confusion. An orgy of investigation and harassment took place as individuals squared away to settle personal grievances and disputes that had been accumulating for decades. "Principals, supervisors, fellow-teachers," writes Dr. Howard K. Beale, "were now free to report for trial for 'disloyalty' and for possible dismissal any teachers against whom they had grievances." [8] The mere threat of investigation proved to be

[7] "Teachers' Oaths," *Harper's*, January 1936, pp. 171–177.
[8] *Are American Teachers Free?* 1936.

quite sufficient to frighten teachers into a blind conformity. Indeed "the censorious eye" was more effective, according to Dr. Beale, than actual force or coercion because "dismissals would have raised protests whereas terrorization gained its end without unpleasant publicity."

Ironically the power of the Soviet Union to seduce rather than subvert the American people was then given as the main justification for the concern with loyalty. No one dreamed of suggesting at that time that the Soviet Union actually menaced the national security of the United States. Writing in opposition to the Lusk Laws, John Dewey shrewdly observed that the laws were "only the *outward symbol* of that tendency on the part of big business in our present economic society to hold teachers within definite prescribed limits. These suppressive tendencies work in a more refined way than laws. The great body of teachers are unaware of their existence. They are felt only through little hints about 'safety,' 'sanity,' and 'sobriety' coming from influential sources. . . . It is something more than academic freedom that is being menaced. It is moral freedom, the right to think, to imagine. It involves, when it is crushed, a crushing of all that is best in the way of inspiration and ideals for a better order." [9]

The existence of a *real* external enemy does not provoke the type of fear which appears in loyalty obsessions. Fear in the presence of a real enemy can be exhilarating. The fear that found expression in the Lusk Laws was a morbid fear of self; a fear of the people as reflected in the group thinking of a dominant class. It should be emphasized that the "Bolshevism" against which reaction inveighed in 1919–1922 was, to most people, the vaguest of doctrines. There was no network of Communist parties through the world then nor was Russia the great power it is today. Nevertheless Bolshevism was denounced with the same vehemence that Communism is denounced today. In further confirmation of John Dewey's theory, it might be pointed out that the nation's concern with loyalty did not reach the intensity of an obsession until immediately *after* World War I. Reaction

[9] Quoted by Beale, p. 571.

never has too much to fear when the people are engaged in a war, when armies have been mobilized, and when special wartime powers and controls have been invoked. But the moment "peace breaks out," loyalty becomes a problem.

As a matter of fact the "menace" in the period from 1919 to 1922 was Socialism rather than Bolshevism. The New York Council on Education then found that "membership in the Socialist Party was incompatible with the obligations of the teaching profession." Legislative committees made findings that the Socialist Party was "not a party in the usual sense," exactly paralleling current findings about the Communist Party. Five members of the Socialist Party were summarily expelled from the New York Legislature for being "disloyal" and Congress refused to seat Victor Berger, the Socialist, who had been elected from the Fifth Congressional District of Wisconsin. In 1919 three prominent Socialists, all anti-Communists today, as they were then, were dismissed as teachers from the New York schools. In all this excitement, one can look in vain for even a suggestion that the Soviet Union, as such, menaced the security of the United States in the sense in which that "menace" is expressed today.

Once the nation had returned to "normalcy" following the severe deflation of the postwar period, the obsession with loyalty quickly abated despite the fact that it had become apparent, by then, that the Soviet Union would survive and that it was rapidly consolidating its position. But with "everything under control," with the sun of the Coolidge prosperity upon the land, the menace of Socialism became merely the memory of an ugly nightmare. However, in line with the Dewey thesis, the tendency to repress all criticism did not entirely disappear. A number of organizations continued to agitate for a general loyalty program as a permanent part of the structure of government. Then, in 1934, the Hearst press launched a new campaign against "radicals" in the schools and colleges. It was in this same year also that the campaign to require the flag salute in the school was launched, all as part of a drive for "patriotic conformity."

Within five years, some fourteen states had adopted laws requiring teachers to take loyalty oaths.

Today it is generally agreed that the emphasis on loyalty in this campaign of 1934–1935 was primarily occasioned by the fear of the early reforms of the New Deal and, more particularly, by the approaching 1936 election. It should be noted that the Soviet Union had been recognized by the United States before the campaign was launched and that this, generally, was the period of the popular front and of Litvinoff's stirring speeches in favor of collective security. One can say that the Soviet Union was not in any sense then regarded as a "national enemy." Here, again, is striking proof that John Dewey had correctly analyzed the Lusk Laws as a manifestation of a more or less constant trend in the society. Seen in the perspective of a quarter century, it is clear that our current obsession with loyalty, like the similar obsession in the Soviet Union, is influenced by, but not caused by, the state of relations between the two countries.

That internal tensions provide the real motivation for loyalty campaigns becomes clear the moment one examines, not the national loyalty program, but its local counterparts. For example, on April 1, 1947, the Board of Supervisors of Los Angeles, following the lead of President Truman, and never to be left behind in any crusade, adopted a loyalty program based on a test oath containing specific disavowals. During the war, not a single case of disloyalty had been reported among the county's 20,000 employees; yet, with substantially the same employees on the payroll, the county suddenly became concerned with their loyalty two years after the war was over. In this case, the loyalty ordinance was clearly adopted as part of a drive for political conformity; it had nothing to do with "security." Officials who wanted to vote against the proposal told me that they feared to oppose it. Newspaper editors hesitated to criticize the proposal although frankly conceding its absurdity. Influential citizens privately confessed their misgivings but were reluctant to voice a protest. The security equation was not changed in the slightest degree by the adoption of the ordinance but the campaign to

secure its adoption, and its adoption, undeniably coerced opinion, and made for conformity.

4. FOOTNOTE TO HISTORY

Perhaps a footnote to history may help to explain the nature of loyalty obsessions . . .

The first response to the French Revolution in the United States was one of elation, sympathy, and popular support. As the revolution swept forward, however, this initial support narrowed down and became increasingly partisan. The more the struggle in France was debated, the more its domestic implications were emphasized. Democratic Clubs sprang up on all sides to support the revolution, and also to discuss domestic political questions. "Meeting regularly through the year," to quote Claude G. Bowers, "they were teaching the mechanic, the clerk, the small farmer, to think in terms of politics." [10] The Federalists, out to monopolize power in the wake of national liberation, promptly denounced the clubs as "demoniacal societies" and "nurseries of sedition" which should be suppressed at the earliest opportunity. To create such an opportunity, they began to develop the thesis that the French Revolution imperiled American interests; therefore, all those who supported the French were per se "subversive" and a menace to the Federalist Party. But the formula also worked just as well in reverse: anyone who agitated for social reform and opposed the Federalist Party was, by this token, pro-French and therefore "disloyal."

By the time Adams was inaugurated as President, popular enthusiasm for the revolution had noticeably abated. This could only mean that the danger of domestic, native "subversion" had declined and, with this decline, one would naturally have expected that the danger of a war with France would have tapered off. But the powerful Hamiltonian wing of the Federalist Party promptly seized this moment to demand a declaration of war, seeking by

[10] *Jefferson and Hamilton: The Struggle for Democracy in America,* 1925, p. 256.

this agitation to weaken still further the movement for social reform. "The French Stamp," with which they began to smear their opponents, was simply a partisan tactic in this campaign. Curiously enough, the louder the war party clamored for a war against the French (who were "menacing" American interests), the more violently they denounced, not the French, but their political opponents in America.

To climax this campaign, and to destroy the Democratic Clubs, which were more concerned with domestic than with international politics, the Federalists pushed through the Alien and Sedition Acts. The Alien Act was primarily aimed not at the French, but at the Irish. If the Irish had been conservatives, their sympathy with the French might have been overlooked; but as followers of Jefferson it was clear that they should be summarily deported. The Federalists even tried to make it appear that the Irish were guilty of a plot to overthrow the government. On the other hand, the clear purpose of the Sedition Act was "to crush the opposition press and silence criticism of the ruling powers," all in the guise of protecting America against subversive French ideas and an Irish fifth column. Advocated as part of a drive for war against a "foreign enemy," the act was aimed not at this enemy, but at the American people. Ironically both bills were debated, as Bowers put it, "under conditions of disorder that would have disgraced a discussion of brigands wrangling over a division of spoils in a wayside cave." The Federalists – those apostles of "law and order," those enemies of "French anarchy" – hooted and howled, scraped their feet, coughed, laughed; and resorted to physical violence in an effort to intimidate their opponents in debate. In a magnificent speech against the Alien Bill, Edward Livingston vividly foretold how the act would be used and what effects it would have:

> The county will swarm with informers, spies, relators, and all the odious reptile tribe that breed in the sunshine of despotic power. . . . The hours of the most unsuspected confidence, the intimacies of friendship, or the recesses of domestic retirement, afford no security. The companion whom you must trust, the friend in whom you must con-

> fide, the domestic who waits in your chamber, are all tempted to betray your imprudent or unguarded follies; to misrepresent your words; to convey them, distorted by calumny, to the secret tribunal where jealousy presides – where fear officiates as accuser, and suspicion is the only evidence that is heard. . . . Do not let us be told that we are to excite a fervor against a foreign aggression to establish a tyranny at home; that like the arch traitor we cry "Hail Columbia" at the moment we are betraying her to destruction; that we sing, "Happy Land," when we are plunging it in ruin and disgrace; and that we are absurd enough to call ourselves free and enlightened while we advocate principles that would have disgraced the age of Gothic barbarity.

With the passage of the Alien and Sedition Acts, a Reign of Terror broke upon the land which, beginning in 1798, extended through the autumn of 1800. Then as now, the press, the clergy, the colleges, all joined in the great crusade to coerce total conformity as the prelude to a declaration of war. Mobs broke into the headquarters of the Democratic Clubs. Artisans employed in the manufacture of war materials were driven from their jobs with charges of being "pro-French" and "disloyal." Newspapers screamed that any person who doubted the wisdom of either the Alien or the Sedition Act deserved to be listed as disloyal, and the Right Reverend Bishop White of Philadelphia announced that those who opposed either measure "resisteth the ordinance of God." Hamilton was commissioned a major general; the harbor of New York was fortified; and a campaign was launched to recruit a large standing army. Editors were arrested and convicted under the Sedition Act; Congressmen were threatened with arrest for the offense of writing letters to their constituents; and lawyers who defended those charged with sedition were denounced from the bench for "propagating dangerous principles." From 1798 to 1801, liberty, as Bowers wrote, "was mobbed in America."

Every effort was made by the war party, of course, to prevent President Adams from sending commissioners to negotiate a

treaty with the French and the situation in France was consistently misrepresented in the American press. Federalist editors did not hesitate to develop the theme that a war with France would be a good business for the struggling colonies. Hamilton kept assuring the President that the Bourbons would soon be restored by the coalition and that it would be folly to seek a treaty with the French government then in power. But once the commissioners had sailed, the ground was suddenly cut from beneath the war party and, with Jefferson's election, the loyalty obsession quickly abated. The new President refused to prosecute those arrested before the Sedition Act expired on March 3, 1801, pardoned those who had been convicted and were still in jail, and ultimately Congress repaid most of the fines levied under the act. The sudden disappearance of the loyalty obsession *once the opposition had come to power* is striking evidence that domestic politics had more to do with this obsession than foreign loyalties or European politics.

The pattern in England was similar although the end result was quite different. The British, too, had greeted the revolution with enthusiasm. But with the publication of Burke's *Reflections* in 1790, the first tonic enthusiasm was soon displaced by a wave of fear and hostility which, set in motion by the upper classes, finally spread throughout the nation. To Burke the revolution was a hateful thing, not because of the violence exhibited, but because he discerned as the characteristic of the revolutionary philosophy an "intellectual presumption," amounting to a kind of atheism in politics, which he could not abide. Like Hamilton, he used the horrors of the revolution to conceal an underlying hostility to democracy.[11]

But a dislike for political atheism, however widespread, would never have caused the change which began to take place in British opinion after 1790. For a decade prior to this date, the current of social reform had been running more strongly in England than in France. The enthusiasm with which the revolution was first hailed, in both England and America, showed how quickly the people had identified the sudden and unexpected turn of

[11] *The French Revolution in English History* by P. A. Brown, 1918.

events in France as a phase of their own struggles. What the Tories really feared, of course, was the impetus this interpretation gave the movement for social reform. The onset of the terror gave them a chance to use the French Revolution against the people as the people had first used the revolution against them. In a most ingenious manner, and with the utmost political skill, they succeeded in linking the public's dislike of the excesses of the revolution with the notion that democratic ideas and reforms were responsible for these excesses and not the coalition against the French Revolution which they had largely organized. To bring off this deception, they made effective use of the Francophobia which had accumulated in Britain through the years and the long-standing popular dislike of "atheism."

The terror began in Britain with the publication by the government (which was, of course, opposed to terror in France) of the names of all those who had signed the various memorials, "addresses of sympathy," and other manifestations of fraternal support for the French Revolution. There followed a series of measures, some official, some unofficial, which had the intended effect of whipping up rather than allaying the public's apprehension. At the height of the public excitement, as Coleridge wrote, "there was not a town . . . in which a man suspected of holding democratic principles could move abroad without receiving some unpleasant proof of the hatred in which his supposed opinions were held by the great majority." Tavern owners began to deny meeting places to the "radicals" and "friends of freedom"; printers refused to print their pamphlets and statements; and, as in our time, the government began to promote a loyalty program by stimulating so-called "loyal addresses from the country at large." An official heresy hunt was soon on foot "in almost every town from Portsmouth to Newcastle and from Swansea to Chelmsford." Landlords were asked to report on "disloyal" tenants; "oaths of loyalty were collected like taxes"; and an army of well-trained and well-paid spies, informers, and perjurers was employed by the government to strike down its principal political opponents. In Northamptonshire villages, a house-to-house canvass of opinion was con-

ducted by landowners and "the friendly societies" were tested, again and again, for loyalty. "The county," wrote P. A. Brown, "was netted for treason, and the mesh was small."

The entire movement for social reform in Britain was stigmatized as "disloyal" through the simple stratagem of calling attention to the fact that most of the reformers were, or had been, sympathetic to the French Revolution. This made them, of course, "agents of a foreign power," and thereby convicted the lot of them of "constructive treason." The net result was to make any and every aspect of social reform synonymous with treason. Literally all reform measures, "mild, moderate and extreme," were alike tarred as disloyal and subversive. Wilberforce, who had asked leave in 1790 to bring in a bill to bar the traffic in slaves, suddenly discovered that the bill had become "pro-French" and subversive. Then, as in our time, important intellectuals, like Coleridge, Wordsworth, and Southey, ingloriously recanted, "went over to the government," and sought injunctions in the courts when Leigh Hunt and Hazlitt, with a fine sense of mischief, began to reprint their earlier "odes to freedom."

The government-inspired terror cannot be entirely explained, however, as a sophisticated plot to organize a heresy hunt for partisan political advantage. What Pitt and his ministers did, as P. A. Brown put it, was to mix ". . . precautions against a danger genuinely feared, with attempts to use panic as an instrument for purposes of state." By and large the Tory officials confused cause and effect. The enormous success of *The Rights of Man* convinced them that the suppression of such a document was necessary to prevent future, if not current, disaffection. The British people, in their view, did not read Tom Paine's tract because they were sympathetic to the French Revolution; on the contrary, having read Paine, they had become sympathetic to the revolution. In a critical period, the party in power is tempted to conclude that "false" ideas are causing discontent, and "evidence" is generally available to support this view since the existing discontent always provides a market for "subversive" tracts. The Tories simply could not bring themselves to

concede that the reason many people in Britain were interested in the French Revolution was because they were dissatisfied with conditions in Great Britain. To the Tories, living off the fat of the land, it seemed quite incredible that anyone could be dissatisfied with life in Britain.

The confusion of cause and effect was strikingly evident in the government's attitude toward the disaffection in Scotland. Noting that "radical" tracts had a larger circulation there, the government concluded that the explanation was to be found in the fact that Scotland had a somewhat higher literacy rate than England. It never occurred to them that there might be more reason for discontent in Scotland. It was this perverse logic which led Braxfield, most arrogant of judges, to conclude that a meeting might be subversive even though nothing was said about overthrowing the government. "If men have created dissatisfaction in the country," he argued, "it will very naturally end in overt rebellion; and if it has that tendency, though not in the view of the parties at the time, then it is sedition to all intents and purposes." That is, *men* create dissatisfaction, not conditions, not problems, not situations. Protesting against this deluded logic, one defendant, the luckless Gerald, reminded Braxfield that Christ, too, had been a reformer. To which Braxfield replied, in high glee, "Muckle he made o' that, he was hanget."

The view that nonconformity in time of crisis is treasonable leads quite naturally to the delusion that conformity in time of crisis constitutes proof of loyalty. Similarly if ideas cause discontent, then the suppression of these ideas will produce contentment. Here, indeed, is the mainspring of most heresy hunts. "Men become heretics or infidels," wrote Sir Frederick Pollock, "because they are disgusted with the behaviour of the officers who represent the Church, or because they hold themselves wronged by the established order of things which the Church official supports. It is both natural and convenient for Churchmen to invert the real order of cause and effect, and assign the origin of every general disorder to the heresy or infidelity which is in truth only a symptom of it. The political

distress may perhaps be represented as a divine judgment on heresy, or at any rate, it will be pointed out to the civil authorities that they have another conclusive evidence of the manner in which free-thinking breeds sedition, and a plainer demonstration than ever of how clearly the interests of society are bound up with those of the established order." [12]

Unfortunately the Tory tactic succeeded all too well in Britain and the nation was soon at war. The Tories, of course, won both wars: the one abroad, the one at home; but the British people lost these wars.[13] For nearly fifty years, the wheels of social progress turned scarcely at all. The reform organizations were completely ruined; their funds were dissipated; their leadership was largely demoralized; their membership intimidated. The longer social reform was delayed, the more blind and unreasoning the Tories became and their delusions increased with their arrogance and power. The more the upper classes feared social change at home, the more suspicious and arrogant they became in the conduct of British foreign policy. And the more power Britain acquired, the more the Tories suffered from the fear of encirclement. The longer this "freeze" lasted, also, the more the Whigs turned against the Radicals, while the Tories sat back and enjoyed their arid doctrinal disputes. In the long run, of course, the freeze ended and the reforms came thick and fast; but for nearly fifty years reaction ruled Britain with a blind despotism.

However we may read this footnote to history, we should be able to agree on this: that the brutalization of the intellectual, social, and political life of *a society*, that is, of a people united by common bonds of culture and tradition, of language and history, is a crime of a magnitude that cannot be readily measured. The crushing of the reform movement in Britain may have been a partisan victory for the Tories but it was truly a national disaster. The extent of this disaster can only be appre-

[12] *Essays in Jurisprudence and Ethics*, 1882, p. 172.

[13] See, e.g., Hazlitt's magnificent and unimprovable description of the effects of both wars as quoted in *The Life of William Hazlitt* by P. P. Howe, 1922, pp. 118, 213.

ciated by contrasting the condition of the British working class, in the decades after 1800, with the remarkable advances made by the American working class which, thanks largely to Jefferson's leadership, had succeeded in upsetting the Federalist counterpart of the Tory plot. Heresy hunts have the effect of draining off vital group energies which any society must accumulate if it is to solve the problems of survival. To spread fear and suspicion *within a society* is to poison the life of that society at its source, which is to be found in the ability of the people to co-operate. There can never be a satisfactory excuse or justification for this particular crime. If the danger from abroad is real, then all the more reason why unity should be fostered among the people, and the greater the danger, the greater the need for unity. Given the right combination of circumstances, it is easy to launch a heresy hunt – as easy as it is to squeeze the trigger of a gun. But the consequences are likely to reverberate long after the echo of the shot has died away. "The class of men," wrote P. A. Brown, "who had been the victims of the riots [the Birmingham Riots of 1789] disappeared *for that generation* from public life; and with them the chief stimulus to thought and civilization in Birmingham." (Emphasis added.)

II

What Is Loyalty? Who Are Loyal?

IT IS TYPICAL of this paranoid age that although loyalty now amounts to a major American obsession, the meaning of loyalty has not been defined. The delusion that people can be "tested" by the degree of their conformity to a standard left undefined says a good deal more about the state of our nerves than it does about the problem of the disloyal in modern society. A delusion of this magnitude betrays a sense of guilt. Can it be that we are really concerned about loyalty because we sense that we have been disloyal to something in our tradition and heritage that we love and revere? When an individual is obsessed by the "disloyalty," say, of his wife, or his secretary, a psychiatrist immediately seeks to find out what aspect of his own personality he distrusts; the obsession is regarded, in other words, as a symptom of insecurity. But we fail to note any elements of delusion in a public concern with loyalty which now amounts to a national obsession.

The way to test whether we are confusing loyalty with morale is to determine what we mean by loyalty. President Truman's loyalty order does not define the meaning of the term; nor does it define disloyalty. The procedural unfairnesses of the order have received wide attention but the study of these defects fails to reveal a more fundamental objection to the program. Of far graver import is the attempt to test people – to divide them into categories – upon the basis of their conformity to a standard left undefined. Here is a key to an understanding of the real meaning of the loyalty program. For this program is really concerned not with loyalty, but with heresy. Disloyalty is not defined for precisely the same reason that heresy was never de-

fined; you need an elastic standard of guilt if your intention is to punish an attitude, a feeling, a disposition. That we are punishing heresy in the guise of testing loyalty becomes clear the moment we attempt to define the meaning of loyalty.

1. "ALL THE LOYAL ARE BRETHREN"

> What is the new loyalty? It is, above all, conformity.
>
> — HENRY STEELE COMMAGER

Josiah Royce seems to have understood the meaning of loyalty better than most Americans.[1] He defined loyalty as "the willing and practical and thorough-going devotion of a person to a cause." Loyalty is inextricably related to the idea of freedom; a coerced loyalty is a contradiction in terms. To be loyal, also, one must have a cause. One can be in love with another person without being devoted to a cause, but one cannot be loyal to another person without being devoted to some "idea" which commits you and the other to a real unity of belief. Loyalty is a positive good-in-itself — good for society and good for the loyal person despite the fact that the particular cause may be unworthy. The basis of this conception is simply that man needs to be related to something larger than his personal interests and private concerns. Indeed the only way "the old circular conflict" between self-will and conformity can be broken is through loyalty to a cause. Loyalty is the miracle of emotion by which social unity and consent are achieved without coercion and without a blind and senseless conformity.

The essence of loyalty is consent freely given. Loyalty is not subservience or slavish submissiveness or docile conformity. On the contrary, loyalty is perfectly consistent with an extreme individual autonomy. In fact Royce believed that "the only way to be practically autonomous is to be freely loyal." All loyalty involves autonomous choice and, by its very nature, loyalty is

[1] *The Philosophy of Loyalty*, 1908, ed. 1924.

protean; there are always many loyalties. Just as one cannot be loyal to anything unless it be as a matter of willing devotion or conscious choice, so one loyalty implies other loyalties. To be loyal to one's country, for example, is to be loyal to many other things. Loyalty itself is never an evil since disloyalty is a form of moral suicide.

Since the state of mind of the loyal person has a value to this person, answering one of man's most deeply sensed personal needs, there is something highly immoral about the notion that one group of citizens should attempt to coerce the loyalty of other citizens. This is tantamount to an assault upon the idea of loyalty for, as Royce said, "all the loyal are brethren." Even if these other citizens are loyal to an unworthy cause, *their loyalty* should never be the focal point of attack. The problem of how to treat with the disloyal presents serious moral and political issues but it can never be solved by committing a new act of disloyalty, that is, by attempting to undermine their loyalty.

To attack the loyalty of the Communist to his cause is to make a mockery of the idea of loyalty. His loyalty to his cause is a good thing in itself. The cause can be taken apart, dissected, pulverized; but it is strategically most unwise to attack his loyalty to this cause. To undermine this loyalty is like bribing a servant to betray his master. If you want to wean the servant from his master, convince him that his master is unworthy, give him some cogent reason for accepting your offer; but don't attempt to bribe or threaten him. To issue a subpoena for the individual who has just resigned or been expelled from the Communist Party, upon the assumption that he would now like to attack the cause to which he was formerly loyal, is both stupid and insulting for it implies that the ex-member is inherently a renegade. To the extent that he is a decent person, he will resent the implication. Similarly to force a Communist to betray his loyalty to other Communists, or to attack his loyalty with threats and penalties, is ethically indefensible and tactically stupid. It is also self-defeating for it implies that the cause must be very powerful otherwise the bribe would not be offered and the threat would not be made. To attack a person's loyal-

ties touches the deepest springs of his nature; it is like asking him to be dishonest or to commit treason to his own conscience.

Even if it be assumed that a majority of Communists are disloyal or that the party itself is a disloyal conspiracy, it does not follow that all Communists carry the taint of presumptive disloyalty. Theoretically it is altogether possible for a person to join the Communist Party and to remain completely loyal to that party and to this country. To some people these loyalties may seem to be entirely incompatible; but the real test can only be found in the attitude, the feelings, the personality, the character of the person involved. This person may be deluded or biased or ignorant; but the test of his loyalty is to be found in *his* feelings, not your feelings or my feelings. To judge his patriotism by some other person's appraisal of what it means to be a Communist is completely fallacious. It also happens to be self-defeating as a tactic. For to attack the loyalty of all Communists is to keep some people in the Communist Party who might otherwise like to leave it and, at the same time, to encourage dishonest people to desert a cause which they would promptly rejoin if it were ever to their advantage to do so. Besides, the national security of the United States is, and always will be, more gravely threatened by the person *who has no loyalties* – who is incapable of loyalty – than it can ever be threatened by a Communist loyal to his cause.

"Can a Communist be a loyal American? Can a loyal American be a Communist?" However the question is worded, it is significant that it should be seriously debated and even more significant that a large section of the American public would today probably answer the question in the negative. A negative answer to the question implies a loss of confidence in self-government; it suggests that the basic principles embodied in the First Amendment have been tacitly repealed. For, as Mr. Justice Holmes pointed out in the *Gitlow* case, ". . . if, in the long run, the beliefs expressed in proletarian dictatorship are destined to be accepted by the dominant forces of the community, the only meaning of free speech is that they should be given their chance and have their way." But a negative answer implies far more

than a repeal of the First Amendment. If such an answer were to be returned, in all seriousness, by a majority of the American people, it would mean that we had abandoned freedom as a principle of American life and that we had turned autocrats and authoritarians.

In order to accept this conclusion, however, it is necessary to keep certain considerations in mind. Today American capitalism has entered upon its ideological phase – that is, its presuppositions have now been given formal ideological statement and its underlying assumptions have been crystallized as doctrine; not to accept these presuppositions and assumptions is to run the risk of being called "un-American." The creed of the American capitalist, in short, is now hardening into the mold of official doctrine. To admit that a Communist cannot be a loyal American is to concede a prime tenet of the capitalist ideology, which is that not only Communists and Socialists, but all those who reject the philosophy of "free enterprise," are "bad security risks." And to concede this tenet, with all its implications, is to go a long way toward accepting the capitalist credo as the official American ideology.

Now, we can no more admit that the ideology of American capitalism has become the official American ideology than we can admit that the Communist ideology, or any other ideology, should be adopted as the official American ideology. For the official American ideology is, and always has been, that there should be no official American ideology. Long ago we rejected the notion of official ideologies or an orthodox doctrine. But if we say that a Communist cannot be a loyal American, we have in effect said that a capitalist cannot be a loyal American for we have admitted the principle of heresy. There are any number of American capitalists who are, in every respect, as rigidly authoritarian as the most doctrinaire American Communist. To say that a Communist cannot be a loyal American is to say that there are ideas which should be banned as heresy and thoughts which should be suppressed as "dangerous" and "subversive." And to make this concession is to betray a fundamental aspect of the American tradition – namely, the

sharp distinction which this tradition has always made between nonconformity and heresy.

Heresies are spawned by orthodoxies. It is quite impossible to conceive of heresy apart from the existence of some official creed or ideology. Heresies arise *within* an official creed. It is for this reason, in fact, that the heretic accepts the authoritarianism of the official creed even though he may reject every other doctrine of this creed. "Heretics" are usually very devout, doctrinaire, dedicated people who are convinced, beyond all reason, not only of the soundness and "correctness" of their views, but of the doctrine of infallibility. As a matter of fact, heretics are usually excommunicated or expelled before they have consciously realized the abyss over which they have traversed. Once they make this discovery, they are often so appalled at the enormity of what they have done that they reverse the situation and begin to charge the "faithful" with being "deviationists," "revisionists," and so forth.

In the United States, we have never, up to this point, conceded that there could be, or that there should be, an "official" American ideology; nor have we ever tolerated any orthodoxies in religion or in politics. Therefore the concept of heresy is repugnant to a fundamental aspect of the American tradition. To concede that ideas should be stamped out as heresies is to admit that an orthodox creed exists in terms of which it is possible for official censors to determine what ideas are scriptural and what are heretical. But with us, Americanism is simply what a great many, quite diverse Americans think of America. These Americans worship at the democratic shrine as they worship generally, that is, as individuals who are at liberty to emphasize this or that aspect of the American tradition, each seeking what is most meaningful to him, each eulogizing some particular phase of this tradition. Ours is a *democratic* tradition in precisely this sense – namely, that it is not imposed from without but created, and constantly re-created, from within. It is not something precisely defined or "given" or "stated"; it consists, in the last analysis, in a belief in freedom. We believe in freedom largely because we have never tolerated orthodoxies – that is, never

completely, officially, with the full sanction of the government. The traditional American policy – as distinguished from the policy of certain Americans – has always been to encourage nonconformity rather than to suppress heresy. Heresy is a European concept; nonconformity is American doctrine.

"I was not born to be forced," wrote Thoreau. "I will breathe after my own fashion. . . . The only obligation which I have a right to assume is to do at any time what I think right. . . . A common and natural result of an undue respect for law is, that you may see a file of soldiers, colonel, captain, corporal, privates, powder-monkeys, and all, marching in admirable order over hill and dale to the wars, against their wills, ay, against their common sense and consciences, which makes it very steep marching, indeed, and produces a palpitation of the heart. They have no doubt that it is a damnable business in which they are concerned; they are all peaceably inclined. Now, what are they? Men at all? or small movable forts and magazines, at the service of some unscrupulous man in power? . . . The mass of men serve the state thus, not as men mainly, but as machines, with their bodies. They are the standing army, and the militia, jailers, constables, posse comitatus, etc. In most cases there is no free exercise whatever of the judgment or of the moral sense; but they put themselves on a level with wood and earth and stones; and wooden men can perhaps be manufactured that will serve the purpose as well. Such command no more respect than men of straw or a lump of dirt. They have the same sort of worth only as horses and dogs. Yet such as these even are commonly esteemed good citizens." [2]

This is the doctrine of American nonconformity, of civil disobedience; and it is the antithesis, in every respect, of the doctrine of heresy. Those who think this doctrine makes for anarchic disunity do not understand the nature of unity; it is only by recognizing this doctrine that a real unity can be achieved. Uniformity is not unity; conformity is not unity. In a crisis, a community of free men will present a unity that is unshakable; that cannot be commanded; that is beyond the

[2] *Thoreau: Philosopher of Freedom,* edited by James Mackaye, 1930.

power of any authoritarian regime to coerce. The people who seek to coerce loyalty are the people who fear freedom. These are the people who want to retreat into a neatly arranged ideological cave in which they can feel secure against "doubts," "disloyalties," and uncertainties. The ideological mind is based on a fear of individual responsibility in an age when responsibility has become increasingly terrifying. The mind that believes ideas should be suppressed is a mind that is the prisoner of an idea. But such a mind cannot be liberated by suppressing the idea that imprisons it: it must free itself. The ideological mind rationalizes; it does not reason. It obeys; it does not think. It functions compulsively. And, by a tragic paradox, the activity engendered by an ideology of cast-iron rigidity reflects the fears and hatreds which originally sought refuge in the ideology, thus creating, on a mass basis, a form of paranoid delusion.

Nonconformity is not un-American; America is nonconformity. To grant that the Communist ideology runs counter to the American tradition of nonconformity does not mean that a Communist cannot be a loyal American. For this could only mean that people cannot free themselves from the fetters of an ideology; that they are incapable of freedom; that, as human beings, they are permanent prisoners of an ideology from which there is no escape. But if Communists are doomed in this fashion, then we are all doomed; for there are neither Communists nor anti-Communists in this world but only human beings who are essentially alike and who happen to be non-pro-or-anti-Communist. To write Communists off as beyond the reach of reason is to confess that one has become a prisoner of the anti-Communist ideology. And, besides, just what do we mean by a loyal American? Or, stated another way, to what is the loyal American loyal?

2. *FREEDOM IS OUR COMMITMENT*

By insisting on an undefined loyalty, we have been obscuring the real basis of American loyalty, which happens to differ, in

some respects, from other national loyalties. With us the growth of national loyalty was a slow, awkward, and largely unconscious process. The size of America, and the rapidity with which it was settled, made at one time for a strong conflict between national and sectional loyalties. Gradually, over a period of many years, a wide variety of factors began to build up a conception of national loyalty: the beauty of the land; its size and grandeur; its richness; the ease of living in America; the sense of abundance and well-being; the freedom of social intercourse, and so forth. But for a long time American loyalty was defined, at different periods, by quite different standards. As Merle Curti has pointed out, Anglo-Saxons were once widely regarded as being "more loyal" than other Americans; at other times, a demand for loyalty has masked purely selfish economic interests; and, in the latter part of the last century, loyalty was widely believed to have its roots in racial homogeneity.[3] And there are still those who insist that a belief in the right of revolution is incompatible with American loyalty despite the fact that America had its origin in a revolution. We should be, therefore, rather cautious about testing the loyalty of the American people by any single standard, much less by a standard which is simply assumed.

The fact is that the slow growth of American loyalty, which is an aspect of the rapid expansion of America, has resulted in two sharply conflicting traditions of loyalty. The older tradition has always emphasized loyalty to America as an aspect of America's devotion to such ideals as self-government, liberty, and equality. But there is another tradition, neither as old nor as deeply rooted, which defines American loyalty in terms of narrow, shifting, partisan group-interests, racial, economic, ethnic, or religious. This latter tradition, as Curti points out, stresses the chauvinistic, organic, compulsive variety of patriotism as opposed to the time-honored identification of American patriotism with the love of liberty. The contrast is that between loyalty as a form of hero worship and loyalty as an aspect of social intelligence, or, as Henry Steele Commager has said, between loyalty measured as an "uncritical and unquestioning ac-

[3] *The Roots of American Loyalty* by Merle Curti, 1946.

ceptance of America as it is" and loyalty based on the realization that America was "born of revolt, flourished on dissent, and became great through experimentation." [4]

The older tradition is the sound one, not by preference but by necessity. For the nature of our institutions implies a distinction between loyalty to the government and loyalty to the general good, to the nation. It is precisely this distinction which makes American loyalty differ from that of nondemocratic national loyalties. The distinction must obtain in any self-governing democracy for otherwise the principle of loyalty, upon which social unity is predicated, becomes hopelessly restricted. If any element, including a majority, were to force an identification of American loyalty with some specific ideology, then America would cease to exist as a self-governing democracy. One can be a perfectly loyal American without believing in capitalism, free enterprise, predestination, God, theosophy, Christ, or the profit motive.

Indeed any other concept of American loyalty would make the problem of loyalty insoluble for us. If it were not for this principle, it would be impossible for Americans to be "loyal" citizens for they are the most diverse people on earth. On the other hand, by recognizing this principle we make it possible for the anarchist to be loyal and also for the vegetarian, the atheist, the Fifth Monarchy Men (if any survive), the Zuñi Indians, the cultists of Southern California, and the nudists of New Jersey; sun worshipers, snake worshipers, and rum worshipers, all can be loyal Americans. Our problem, as Royce pointed out, is *to provide opportunities* for these diverse elements to exhibit their loyalty in ways which they find appropriate and meaningful. Those who would limit opportunities for loyalty demonstrate an unawareness of the basis of American loyalty; they strike at the very roots of American loyalty. The distinction emphasized by Curti and Commager is not a cross which we must bear; on the contrary, it is the bright particular glory of the United States of America; it is, so to speak, *the point* about America. Conversely, the European idea has always

[4] "Who Is Loyal to America?" *Harper's*, Vol. 195, p. 193.

been that a person cannot be a loyal German, or Italian, or Spaniard, or Frenchman, or Swede, unless a much larger aspect of his personal capacity for loyalty is committed to some limiting concept, whether it be king, czar, church, pope, communion, or commissar.

With us two traditions of loyalty are in conflict not merely in the sense that different Americans accept one tradition or the other but in the further sense that the conflict exists within most Americans and therefore finds expression in contradictory attitudes and self-defeating policies. The continued existence of this unresolved conflict can be explained, Dr. Alexander Meiklejohn has suggested, by the fact that we have permitted a frontier experience to blind us to the distinction between independence and freedom. It is this confusion which accounts for our failure to realize that we love freedom more than anything else. Our commitment is to freedom, not to independence; freedom implies an obligation to respect the freedom of others, independence is self-assertion. Failing to recognize this commitment, we act as though the "meaning" of American freedom were to restore the bourgeoisie of Western Germany to their prewar eminence, as though our mission were to save the world from Communism rather than to lend our influence to the creation of a world order based on the principle of freedom.

This unresolved conflict accounts for our uncertain and often contradictory behavior as a people; our current obsession with loyalty relates to another issue. People become obsessed with loyalty when they are somehow conscious of having been disloyal to some commitment or obligation. Writing in 1935, Dr. Meiklejohn pointed out that ". . . there has come upon us, in recent years, a vivid sense of having been disloyal to our own purposes. In many ways we are obsessed by the fear of having betrayed ourselves." [5] This obsession dates from the First World War. Up to this time, we had thought that we were above and beyond the "mess" of Europe. With the armistice, we said: now is the time for Europeans to listen to us; we can set them right; we can point the way. But how quickly that dream changed

[5] *What Does America Mean?* 1935, p. 74.

into the fascist nightmare! And, without knowing just how or why, most Americans sensed that we were to some degree responsible for the rise of fascism. "We calculated with the utmost nicety," writes Dr. Meiklejohn, "how heavily each of the nations should be prepared for future war. And in the midst of all these calculations we found a safe and vastly enriched America making exceedingly careful provision for herself." With this realization, the moral difference between America and Europe seemed to vanish overnight. And in the midst of this debacle we saw the incredible happen: we saw barbarous Russia, long synonymous with tyranny, assert a claim to world leadership. We heard the crude commissars of this backward land make the most preposterous claims: of having eliminated racial discrimination; of having solved the problem of unemployment; of having lifted the burden from the oppressed. Coupled with our disillusionment, this shock was too much. We began to show "a dreadful sense of disloyalty to ourselves," which found expression in the loyalty obsession after the First World War. This obsession, from which we are once again suffering, can only be diagnosed as a form of acute paranoid delusion resulting from a betrayal of fundamental American postulates and principles.

3. LOYALTY AND SELF-ESTRANGEMENT

There is, indeed, a real problem about the disloyal in America. The problem has to do with a sharp decrease in the opportunities for loyalty which has resulted in the phenomenon of self-estrangement or alienation. The social mind, as Royce pointed out, becomes self-estranged or alienated when people "no longer recognize their social unity in ways which seem to them homelike," that is, meaningful and familiar. The growth in scale and number of institutions and the ever-increasing complexity of modern life have greatly reduced the opportunities for loyalty. Government has become so remote and impersonal that it is sensed as a form of dictation, imposed upon us, un-

related to our needs and unresponsive to our wishes. Dwarfed by social forces they seem powerless to control, many people are consumed with a feeling of littleness and impotence. Social happenings seem arbitrary, capricious, and, on occasion, highly malevolent. The average person is caught in a murderous cross-current of pressures and cannot feel sovereign even in his own back yard.

In a setting of this kind, the sentiment of loyalty becomes displaced. Writing in 1908, Royce saw that the great industrial forces of modern society "excite our loyalty as little as do the trade winds or the blizzard." How can anyone feel loyal to 600,000 stockholders? How can the liveried attendant at the filling station feel a personal loyalty to the satrapy that is Standard Oil? In this present harsh predicament, man is forced to find new institutions to which he can be loyal; for it is the feeling of loyalty that invests his life with meaning and purpose and dignity. Suffering from a feeling of alienation, he seeks out his own kind among the fraternity of the alienated. Hence the cults, the sects, the "crazes" that flourish in American life. In a world in which they feel self-estranged, people seek refuge in partisan organizations; in dogmatisms; in compulsive ideologies. Under the impact of these developments, the society unity of a nation can become greatly weakened. It is this general situation which gives rise to the real problem of the disloyal in modern society.

Self-estrangement has now, of course, become a form of social malaise; a deep-seated sickness of our time. In *Prophets of Deceit*, Leo Lowenthal and Norbert Guterman have pointed out how ". . . distrust, dependence, exclusion, anxiety, and disillusionment blend together to form a fundamental condition of modern life: malaise." This malaise, which the modern agitator understands so well and exploits with such skill, has many causes: the decay of the patriarchal family; the breakdown of primary social ties; the substitute of mass culture for traditional cultural forms; the rise of industrialism; the bigness and complexity of modern urban living; but, in the last analysis, it is "a consequence of the depersonalization and permanent insecurity of modern

life." The tendency to retreat into ideologies is a symptom of this malaise — an attempt on the part of the alienated to find something to which they can relate their lives; to which they can be loyal. If we were realistically concerned with the problem of disloyalty, we would be listening to those who have worked out a scientific diagnosis of the malaise of alienation and not to J. Parnell Thomas and Elizabeth Bentley, both of whom are clearly victims of the disease.

Ideas do not alienate people from society or create social divisions; the divisions foster the feeling of alienation and the ideas to which this feeling gives rise. If we have two conflicting traditions of loyalty, it is in part because, as Dr. W. Lloyd Warner has pointed out, "The American social system . . . is permeated with two conflicting social principles: the first says that all men are equal before God and man and emphasizes the spirit of the great ritual documents of our nation . . . the second, contradictory to the first, more often found in act than in words, in oblique reference than direct statement, declares that men are of unequal worth, that a few are superior to the many, and that a large residue of lowly ones are inferior to all others." [6]

The conflict in social principles reflects the increasingly sharp differentiation of social classes in the United States. Today social scientists are in general agreement that socioeconomic stratification is hardening in the structure of American society. In one of the best recent studies, Dr. Richard Centers has established, with a wealth of statistical evidence, the existence of the following social groupings: an upper class consisting of about 3 or 4 per cent of the population; a middle class made up of about 40 per cent; a working class of well over 50 per cent; and a lower class of from 1 to 5 per cent.[7] Dr. Centers also found that a person's attitudes, values, and interests of a sociopolitical nature are in part determined by his status and role

[6] *Democracy in Jonesville: A Study of Quality and Inequality*, 1949, p. xvii.

[7] *The Psychology of Social Classes: A Study of Class Consciousness* by Richard Centers, Princeton University Press, 1949.

in the economic process. He found, too, that the interests of one social group are often in conflict with those of another and that this conflict is clearly reflected in the attitudes and opinions. There is, of course, nothing novel about these findings; but they happen to be supported, in this case, by a massive accumulation of data.

The existence of these conflicting ideologies, as yet not too clearly or too consistently focused, is all the more remarkable in view of the fact that the educational resources of the nation have been largely devoted to imbuing all citizens with a common set of attitudes and values; that the newspapers, motion pictures and radio are steeped in a type of thinking which overwhelmingly reflects the interest of a single social class; and that the "experts" in American culture — the editors, physicians, lawyers, priests, and teachers — are very largely identified with the middle and upper classes in outlook and sympathies. Nevertheless the American people have become class conscious and a part, calling itself the working class, has "begun to have attitudes and beliefs at variance with the traditional acceptances and practices."[8] Here is convincing evidence that status and role in the economic process tend to determine attitudes and identifications, not in any purely mechanical way, not as an aspect of blind determinism, but simply because people do think and, thinking, change their beliefs. To be sure, class consciousness in America is still in its incipient phases and, where it is most pronounced, it exists as nonsupport and dissent, rather than in the form of a well-defined movement with a distinct ideology. But Dr. Centers detects "a crude and elemental class consciousness" out of which might well arise a militant and sharply class-conscious political movement. This can only mean that the American people are *beginning* to identify themselves with two conflicting social attitudes which could become, in time, two ideologies. Self-estrangement is the individual manifestation of this process; class consciousness is its social manifestation. Thus to one element of the population, loyalty clearly implies a devotion to free enterprise, to things as they are,

[8] *Ibid.*, p. 218.

whereas to other Americans, loyalty may have quite different implications.

4. HOW NOT TO TEST LOYALTY

As the destructiveness of war has increased, the fear of "the enemy" has grown; nowadays any element in the population even remotely or contingently identified with "the enemy" is in instant and deadly peril in time of war, and this same fear, of course, feeds the loyalty obsession. Psychologists have long known that fear distorts perception and so it is not surprising that the fear of war should inspire grotesque delusions on the subject of loyalty. Witness, for example, a tragic misconception of World War II.

In the crystallization of sentiment against Japanese-Americans on the West Coast, one could blueprint the various steps by which the fatal delusion of disloyalty arises. In this case, the misidentification was brought about by a deceptive syllogism: (*a*) we are fighting a dangerous enemy, the Japanese, who are a people of fanatical loyalty; (*b*) there are 110,000 people of Japanese descent on the West Coast; (*c*) therefore these people must be loyal to Japan and disloyal to the United States. Under the dominance of this delusion, we proceeded to round up 110,000 men, women, and children, two thirds of whom were citizens of the United States, and to place them in concentration camps euphemistically called "relocation centers."

From first to last, no acts of sabotage or espionage were chalked up against the record of Japanese-Americans during the war. But I well remember the "logic" that prevailed when mass evacuation was ordered. In a Town Meeting of the Air debate, I was amazed to hear my opponent, a member of Congress, gravely assure the audience that Japanese-Americans were under a cloud of suspicion *precisely because* no acts of sabotage or espionage had been proved against them! This was, he thought, a most "unnatural," therefore a most suspicious, circumstance. There is, however, a real basis for the perverse logic which sees something "menacing" in the absence of evidence of dis-

loyalty. Once a majority has decided to oppress a minority, no loophole is ever left by which individuals belonging to the minority group can escape. A dense system of assumptions, beliefs, and superstitions is erected to make escape impossible. Dominant groups never reason in this perverse fashion until they have decided to be oppressive. Once this decision is reached, they are, of course, impervious to reason because they have decided not to reason but to be massive, dogmatic, coercive. This is the "logic" of persecutions.

Once we had placed the Japanese-Americans in concentration camps, however, we began to feel a twinge of conscience. It was then suggested that we might reverse the un-American procedure which we had followed up to this point by simply *testing* the loyalty of the evacuees. In brief we would simply run a kind of mass Wassermann test on 110,000 human beings and the findings would unerringly indicate which were loyal and which were disloyal. The loyal would then be released, the disloyal detained. It never occurred to the well-intentioned officials who dreamed up this procedure that emotional loyalty to the enemy's culture might not necessarily be synonymous with disloyalty to the United States. The Issei, the immigrant generation, would have been moral monsters if they had not felt some vestige of loyalty to Japan, where they were born, where their parents lived, from whence they had derived their language, their culture, and their moral sentiments. But this did *not* mean that the Issei were *disloyal* to the United States, a land in which they had prospered, where their children were born, and where, ironically enough, some of them had enlisted for service in the army and navy during the First World War. But to the deluded superpatriots, suffering from a guilty knowledge that Japanese-Americans had been sorely discriminated against in the prewar period, the existence of two loyalties implied disloyalty to the United States. To them "dual loyalty" was synonymous with disloyalty. Yet the Issei were living, breathing, tragic evidences of the fact that, for the loyal, there are always many loyalties; that a person's loyalties, as Laski pointed out, are "as diverse as his experiences of life." The failure to recognize

this truism was largely responsible for the Japanese-American fiasco.

The loyalty questionnaire which the evacuees were asked to sign was universally resented, by Issei, Nisei, and Kibei. Consider the Nisei, the American-born. Stripped of their constitutional rights without a hearing or charges, torn away from their homes, their jobs, their properties, denied a chance to enlist in the army, they were then asked *to prove* their loyalty by filling out a form while being confined in a concentration camp! The questionnaire was resented in almost exact relation to the evacuee's loyalty to America. Some of the Nisei, in anger and disillusionment, renounced their American citizenship; others simply refused to answer the questions. From first to last, the whole loyalty-testing procedure was a dismal failure and has been so appraised. For example, several thousand renunciations of citizenship have been set aside by the courts on the ground that the loyalty-testing procedure was unwarranted, fatally defective, and tragically misconceived. Yet no one has suggested that this experience might have some bearing on our current efforts to test loyalties.

But there is a further point to the tale. Japanese intelligence had no difficulty in recruiting "agents" in this country but they were the kind of persons who are basically incapable of loyalty to anything. Many of them, it so happened, turned out to be of old-line Anglo-Saxon background and descent. To compare these moral derelicts with a proud Japanese-conscious Issei, aware of his loyalties, sensitive to his moral obligations, is to learn why loyalty is a positive good in itself and why the loyal are brethren. It is to appreciate, also, that loyalty to America rests on America's devotion to humanity. Americans are loyal to a principle, an ideal, a tradition. If the United States will only give free scope to Emerson's statement that it is ". . . the office of America . . . to liberate, to abolish kingcraft, priestcraft, caste, monopoly, to pull down the gallows, to burn up the bloody statute-book, to take in the immigrant, to open the doors of the sea and the fields of the earth," it need never be concerned about loyalty to America.

III

Thoreau and the Hollywood Ten

THE UNHEALTHY STATE of American public opinion on civil rights finds disturbing illustration in the case of the Hollywood Ten. From the turgid hearings which began in Washington on October 18, 1947, under the chairmanship of J. Parnell Thomas, now a resident of Danbury Prison, this question seemed to emerge: Does a congressional committee have the power to compel disclosure of a person's political beliefs and affiliations? The question is real enough but it by no means exhausts the issues raised by the case, some of which touch upon ideas fundamental to the whole conception of self-government. Yet, in the excitement of the moment, these more basic issues were largely ignored. The public's failure to identify the real issues in the case provides, indeed, painful documentation for the proposition that the meaning of civil rights must be rediscovered at fairly regular intervals in history.

The confusion about the issues was so prevalent, in fact, that it engulfed the victims as well as their persecutors. Before the hearings had gotten under way, a committee had been formed in Hollywood, known as the Committee for the First Amendment, on the theory, apparently, that J. Parnell Thomas intended to violate Hollywood's right of free speech. Somewhat later, however, the argument began to veer toward a haven which was called "a right of silence." Even this change of direction, however, failed to provide a satisfactory basis for the contention of the Ten that, in some manner, their rights had been gravely violated. Indeed it was only as the case was shaped up for presentation to the Supreme Court, following their conviction of con-

tempt of Congress, that the real issues began to emerge. Basically these issues relate to a question which Henry David Thoreau raised in his essay on *Civil Disobedience:* "Must the citizen ever for a moment, or in the least degree, resign his conscience to the legislator?" That so fundamental a question should issue from an inquiry in which the name of Hollywood figured so prominently must be put down as a major irony. In fact the Hollywood background was probably responsible for the strange manner in which the extraordinary importance of the case was obscured by weirdly irrelevant headlines.

1. SUFFER NOT A WITCH TO LIVE

Thou shalt not suffer a witch to live.
—EXODUS XXII, 18

The issues in the case of the Hollywood Ten relate to the meaning to be found in such phrases as "self-government" and "government by consent." For example, how can a people be self-governing when governments are organized precisely because men will not govern themselves? Is government by consent, as Edward Hallett Carr has insisted, "a contradiction in terms"? If government is a process by which some people exercise compulsion on others, how can a people be self-governing? These questions, in turn, hinge on the meaning of "consent."

A free society, as D. W. Brogan has pointed out, believes that the *quality* of the assent obtained from the governed matters as well as the fact that assent is obtained.[1] It is the quality of popular consent that distinguishes a democracy from a so-called plebiscitarian dictatorship. Under dictatorial regimes, the people are often asked to register assent in manipulated plebiscites; but, in a self-governing democracy, the people do more than "assent" — they govern themselves. With us, as Madison pointed out, "the censorial power is in the people over the government and not in the government over the people."

If self-government is to have any real meaning, the consent of

[1] *The Free State,* 1945, p. 98.

the governed must be able to find free expression. "The free act towards a good end," writes Dr. Martin J. Hillenbrand, "is always better than a compulsory act towards a good end, even though both may achieve the same result. A free expression of belief has significance; a forced expression of supposed belief means nothing, and compounds misuse of power with a lie. . . . Unless men can freely propound, receive, examine, compare, accept or reject the opinions and theories of other men, progress toward better living and fuller development of personality is scarcely possible." [2] In any power relationship — I speak now as a parent — the real difficulty is not to obtain assent from the governed but to make sure that the governed are really assenting and not merely submitting. Submission can be bribed, manipulated, or coerced; indeed submission is easier to obtain than consent. A free society spurns the notion of submission, which can never lead to real self-discipline and is as harmful to the censors as to their victims. "It is very hard indeed," writes Brogan, "to keep to the level of argument, or persuasion, when you have the level of force to tempt you." Force, once used, becomes a habit.

To ensure a free consent is, perhaps, one of the most difficult problems in a democracy. The problem is difficult because it can never be solved in any purely mechanical way. Checks and balances and constitutional safeguards alone will not ensure that consent is freely granted or withheld. A majority in Congress, reflecting a majority sentiment among the people, can make a mockery of the idea of government by consent, which means, of course, the consent of all the governed, all the time. For minorities "consent" in a democracy even when they are outvoted. As long as a minority is permitted to state its case freely and without intimidation, government can be said to rest on the consent of the governed; but the moment this ceases to be the case, government by consent becomes, indeed, a contradiction in terms. There is little danger that a majority in Congress could ride roughshod over the rights of a majority (the ballot takes care of this risk): but there is always a real danger that a majority in Congress might destroy the quality of the consent, which more

[2] *Power and Morals*, 1949, p. 167.

than anything else, perhaps, distinguishes a democracy from other forms of government.

Under our system of government, the people really have two sets of representatives: electors (voters) and representatives chosen by electors. Elaborate precautions have been taken, as a cursory examination of any state election code will demonstrate, to protect the electors against intimidation. But no provisions can be found in these codes which protect the people, including the electors, from indirect intimidation as applied, say, by a committee of Congress. It is implied, of course, that the representatives of the people will not attempt to intimidate the people; but there is really nothing to prevent this from happening except the determination of the people that it shall not be permitted to happen. The Bill of Rights, unfortunately, does not fully protect the people against indirect intimidation since only the Supreme Court stands between an unpopular minority and the vengeful policies of an enraged congressional majority. Not only is the Supreme Court reluctant to impose restraints on large congressional majorities but, as we have learned to our sorrow, the death of four, three, two, or even one member of the Court can determine whether the Court functions as a guardian of civil rights or as an agency co-operating in the destruction of civil rights. In theory the majority of the people are protected against indirect intimidation by congressional committees since the people have a chance to change the composition of Congress every two years; but a minority cannot rely upon this safeguard. As a matter of practical effect, however, even a majority enjoys no real immunity from the modern forms of psychological warfare which governments use to coerce consent. Nowadays large majorities can be manipulated by carefully timed headlines, "revelations," and a thoroughly unscrupulous exploitation of the silence and secrecy surrounding many phases of government.

On the other hand, it is argued that Congress must have the widest freedom to make inquiries and investigations, not only to inform its members on public questions, so that they may act intelligently, but also to inform the people. Under the guise of exercising this informing function, however, Congress cannot

undertake to censor the thinking of *any* of the people without endangering the distinction between consent and submission. The power of Congress to force a disclosure of facts, which is necessarily broad and currently undefined, must be checked at the point where Congress's need to know the facts ceases. Congress may need to know who a man is and what he has done; but unless his beliefs are translated into acts, what he thinks is no concern of Congress. For it is just at this point — in this twilight zone where thinking verges on action — that a congressional majority can most easily pierce the weakest point in a democracy's armament against antidemocratic tendencies, namely, the majority's ability to coerce a minority through its control of a large majority in Congress. Supreme Court decisions may help to define the boundaries of the congressional power to investigate; but in the last analysis, an informed public opinion offers about the only effective check on the new techniques of indirect intimidation developed by the House Committee on Un-American Activities.

It has been said in defense of the particular investigation that Congress sought only those facts which were necessary to inform its members and the public on the danger of Communist infiltration into the motion picture industry. But in the course of informing the public on this or any subject, Congress must take care that it does not intimidate any portion of the public. As the Commission on Freedom of the Press has pointed out: "Any power capable of protecting freedom is also capable of endangering it. Every modern government, liberal or otherwise, has a specific position in the field of ideas; its stability is vulnerable to critics in proportion to their ability and persuasiveness. A government resting on popular suffrage is no exception to this rule. It also may be tempted — just because public opinion is a factor in official livelihood — *to manage the ideas and images entering public debate.*"[3] (Emphasis added.) It can be a short step from "informing" the public to intimidating the public.

And this, in effect, is precisely what happened in the case of the Hollywood Ten. The House Committee on Un-American Activities, in the guise of "informing" the public and Congress on

[3] *A Free and Responsible Press*, 1947, p. 6.

Communist infiltration in the motion picture industry, proceeded to interdict a vast range of social, economic, and political ideas and to proscribe those identified, in any manner, with any of these ideas. The action had a clear tendency to dissuade other people from listening to an exposition of these ideas or from reading about them or from being associated with those interested in them. It would be difficult, also, to imagine a more coercive pressure than that which was applied to force the Hollywood writers to disclose their political beliefs and affiliations. In effect they were confronted with the unenviable choice of making public disclosure of their beliefs, and thereby forfeiting the right to earn a living in the profession of their choice; or of refusing to disclose their beliefs and going to jail. Nor was the individual injustice, which was grave enough, the real measure of the wrong done. "So long as there is any subject," wrote John Jay Chapman, "which men may not freely discuss, they are timid upon all subjects. They wear an iron crown and talk in whispers."

In the guise of informing the public, the committee conducted a form of carefully rehearsed psychological warfare against the American people; for what was done to the Ten served as a warning to all the others. Every effort was made to humiliate the "unfriendly" witnesses and to focus an image of them on the mirror of American public opinion of such calculated distortion as to make them appear "monsters of error." On the other hand, the friendly witnesses were presented with halo-effects and were encouraged to abuse and defame their former colleagues. No opportunity whatever was offered the latter to cross-examine their accusers or to call witnesses or to offer evidence on their own behalf. The more violent and abusive the accuser, the more the committee beamed its approval. The combined facilities of press, radio, and motion pictures, moreover, were enlisted to make a national spectacle of their humiliation.

The notion that Congress should have the power to force a disclosure of political beliefs and affiliations rests upon the mistaken assumption that secrecy is somehow inimical to self-government. Actually a measure of concealment is neither criminal nor sinister but, on the contrary, is a necessary means by which a

real consent is expressed. For example, it is implied in a democracy that elections shall be free *and* equal; that is, that every qualified voter shall have an equal right to cast a free ballot. For the balloting to be free, the general mode of voting must be secret. The purpose of the secret ballot is not so much to protect the voter as to ensure the expression of real public sentiment as distinguished from a coerced or counterfeit sentiment. We have never demanded that all voters "stand up and be counted." On the contrary, we have been inclined to agree with Cicero that "the ballot is dear to the people, for it uncovers men's faces, and conceals their thoughts." The courts have long recognized that a voter cannot be compelled to reveal how he voted, even in the case of a contested election where the question of how he voted is pertinent. To compel disclosure would be to encourage a system of espionage by means of which the veil of secrecy, which the ballot is supposed to protect, might be penetrated at will. Hence the current loud and vulgar insistence that everyone "stand up and be counted" is highly subversive of a first principle of self-government, namely, that a measure of concealment is indispensable if a real consent is to be obtained. The denial of this truism is based on the naive belief that complete freedom of political action prevails in the United States. It should be emphasized, however, that the secrecy of the ballot is a personal privilege. The voter can, if he wishes, tell a committee, or the world, how he voted. In this respect, the privilege resembles the personal privilege against compulsory self-incrimination.

Charles Edmundson, in an article in *Harper's*,[4] has given a graphic account of how the voters of Tennessee were able to oust the Crump machine in 1949. "The machine was so powerful," he writes, "that only a little overt intimidation was required to keep the restless in line. . . . It had been *twenty years since responsible citizens* here [Memphis] had dared to form a committee to fight the Boss." Even the businessmen who made contributions to the anti-Crump campaign took care to specify that their names should be kept secret. Nor is this an exceptional case. Every social reform movement has taken full advantage of the

[4] January 1949, pp. 78–84.

principle of secrecy. "If," writes Arthur Garfield Hays, "all the Abolitionists in the early days had been obliged to come out into the open, their cause might never have progressed very far. The risks were too great for disclosure." [5] Where major social reforms are concerned, the risks are always too great. The citizen, like the voter, can decide the time and manner for the disclosure of his political beliefs should he care to disclose them; but he cannot be compelled to make an affirmation under oath, in response to threats both stated and implied, as to the beliefs which he holds or rejects without doing irreparable damage to the principle of consent in government.

The principle of consent applies to groups as well as to individuals; freedom of association is the counterpart of freedom of belief. Voters must have the right to combine freely, without fear of surveillance or intimidation, in order to give realistic expression to their beliefs. This right is as broad as the freedom of decision which belongs to each individual citizen. It includes, for example, the freedom to perform those acts which are appropriate and necessary to the maintenance of party organization. To pressure voters to retire from a political party under threat of some penalty, formal or informal, is as indefensible as to intimidate a voter or to suppress a party outright. One of the first acts of dictatorial regimes has been to abrogate the principle of free political association. In the absence of this right, it becomes almost impossible to obtain a free expression of consent from the governed.

Historically, freedom of association is intimately related to the right of the people peacefully to assemble, a right which existed long prior to the Constitution. In this day and age, the people cannot assemble on the village green whenever a crisis impends nor can a voter give full expression to his views merely by casting a ballot at stated intervals. He must also be concerned with caucuses, conventions, party primaries, and the whole range of collective political activities. The right of free association, like the right to vote, is subject to regulation but it cannot be suppressed in the guise of regulation. The real danger, however, is that the right will be reduced to utter meaninglessness by trumped-up

[5] *Nation*, January 29, 1949.

grand jury indictments of minority party officials and by the constant harassment, by legislative committees, of unpopular political minorities.

The protection of the individual against compulsory disclosure of his political beliefs, moreover, is only one aspect of the problem of securing a real consent from the governed. To force a person to disclose unpopular political beliefs, or an unpopular political association, can constitute direct intimidation; what is not so clear, but is more important, is that the only way to suppress ideas is to attack individuals. Ideas cannot be sent to jail but individuals can. If you believe that an idea should be banned, as a heresy, you will be driven to the necessity of attacking the rights of the person who holds the idea. The genesis of heresy hunts is to be found in the process by which, in time of storm, abstract doctrines or ideologies become divorced, for all practical purposes, from the individuals who adhere to these ideologies. Once this divorcement takes place, even the most kindly disposed persons find it possible to acquiesce in the destruction of the rights of those who subscribe to ideologies which they hate or fear. For the censors can always make a plausible contention that it is the ideology which is being destroyed rather than the rights of those who believe in the ideology. Thus it is only a step from the proposition that Communism should be destroyed to the proposition that the rights of citizens who are Communists should be destroyed, and, eventually, to the final and fatal simplification that all Communists should be destroyed. This deceptive logic relates back to a basic semantic confusion, namely, the tendency to think of words and ideas as things-in-themselves rather than as names for real things.

Caught in this logic, our desire for freedom seems to be increasing at the same time that our feeling of moral commitment to the idea of freedom is steadily weakening. The more violently we denounce clear and flagrant violations of civil rights in Hungary, the greater becomes our indifference to clear and flagrant violations of civil rights in Seattle. The more insistent we become about "freedom," as we define freedom, the angrier we grow with those with whom we disagree. In time of storm, rival ideolo-

gies tend to become identical in their denial of the first principle of freedom, namely, that it involves a moral commitment to defend the freedom of others. In this respect anti-Communism has become identical with Communism. "There is in all of us," explains a character in Humphrey Slater's novel *The Heretics*, "a raging, snarling Urge to Conform. We intensify our conformity to our own group, and therefor our emotional satisfaction, by opposing and persecuting other rival groups; and the more like our own group another is, the more of a rival it seems, and the more passionately we hate it." This ardor for conformity can become psychopathic when, in time of storm, the values of a society seem to be threatened more from within the society than from without it. It is in such times that the dreadful imperative, "Thou Shalt Not Suffer a Witch to Live!" becomes the reigning principle of politics.

In the last analysis, therefore, the importance of the case of the Hollywood Ten does not turn on the question of whether Congress has the power to compel a disclosure of political beliefs and affiliations; the Supreme Court may rule that it has this power. The importance of the case goes to the question of what we mean by "the consent of the governed" and how this consent is to be obtained. The public's failure to see this larger issue, however, is understandable since in this, as in so many present-day civil rights issues, only about a third of the case's significance appears on the surface of the debate. The relevance of the case to the problem of obtaining a free consent from the governed becomes apparent as the power to punish for contempt is examined in relation to certain characteristic pressures which modern society brings to bear upon the nonconformist. Pressures can be felt but they cannot be seen: they can kill you but you cannot photograph them.

2. *THE TRIANGLE OF PRESSURE*

According to Dr. E. K. Bramstedt the three main "nerves" which modern dictatorships manipulate are *coercion*, *bribery*,

and *propaganda*. "The totalitarian engineers," writes Dr. Bramstedt, "either threaten man with dangerous insecurity, turning the screw on him by various forms of terror, or they promise him a deceptive security by the cash value of corruption or the mental opium of propaganda. In all these cases they reckon that man will eventually prefer the security of complete submission to the grave risks of an independent attitude. Many advantages of an economic or social kind are promised and sometimes granted. The mind of the masses is filled with colorful suggestions of what is marked as good or bad for them. *It is the combination* of these three agencies which constitutes the mental climate of a dictatorship. Terror, corruption, and propaganda are only three different sides of the same triangle, and it is impossible *to recognize* its geometrical proportions without taking all three into consideration. All three aim at *directing people* according to a preconceived pattern of thought and action. They reduce them to an attitude of docile passivity and make them the mere object of intellectual hypnosis, however subtly applied. Man, when successfully approached by any of these three methods, *does not act but reacts*, he does not think but follows a stimulus. At the end *he is enchained by fetters of which he is often only vaguely aware*." [6] (Emphasis added.)

The failure to recognize this geometrical, mutually re-enforcing pattern accounts for the inability of people to measure the enormity of the moral wrong committed in the case of the Hollywood Ten. For example, to measure the pressure which the House committee brought to bear upon the Hollywood writers, one would have to multiply, so to speak, the fear of a jail sentence by the size of the monetary prizes which Hollywood offers for conformity and then add to this the pressure of incessant official propaganda which labels certain ideas "good" and others "bad." "Restrictions on free speech and inquiry," writes Dr. Ezra Day, "may no longer take overt form; there may no longer be a direct exercise of police power to keep thought and speech and inquiry within bounds; but an excessive concern for

[6] *Dictatorship and Political Police: The Technique of Control by Fear*, 1945, p. 137.

public relations may have the same effect and may exercise powerful restricting influences." These influences are not as tangible as a jail sentence, a prosecution, or a book burning; but they are, in some respects, more effective as restraints on thought. In a sense they are also more dangerous, for the restraints being invisible, an illusion of complete freedom prevails. If people *avoid* issues as controversial, or merely as being bad public relations, the effect is much the same as though their rights had been directly violated. Socially the significant fact is that silence has engulfed a certain area of thought; the techniques by which people are "silenced" are really of secondary importance.

The three nerves of modern dictatorships function with the most subtle interactions. One can even formulate certain rules governing the application of pressure in modern society. The greater the bribe, the less need for coercion. To convince a man who receives a salary of $30,000 a year that it is "inexpedient" for him to be identified with a certain "controversial" issue is usually about thirty times easier than to convince the man who makes $1000 a year or the man who is unemployed. That is, it would be that much easier *if* it were not for one complicating factor: both men may be so thoroughly propagandized that neither can readily distinguish between the values he respects and the values which he is told, morning, noon, and night, are respectable. Modern propaganda carries a burden of coercion and bribery, just as the bribe contains elements of propaganda and coercion, and coercion is enhanced by propaganda. For example, the coercive threat of confinement in a concentration camp is heightened by propaganda about concentration camps. When an employee is confronted with the choice of speaking his mind or losing his job, it is anyone's guess as to whether terror, corruption, or propaganda is the decisive factor; usually the combination tips the scales. The employee would be hard put to determine which nerve is causing the most pain; but he is keenly aware of an intense, unremitting, many-sided pressure to conform.

Discussing the modern forces making for conformity, the *University of Pennsylvania Law Review* points out that "the pressure has been toward the development of new devices, untrammelled

by such hard-won protective elements [as civil rights], *devices operating indirectly*, imposing new sanctions such as economic deprivation in place of fine and incarceration. The inclination has been to withdraw within the operation of such techniques those persons who, because of their position on the fringes of groups formerly subject to criminal law, could not otherwise be brought under governmental control."[7] (Emphasis added.) These new techniques are immensely effective because they rely upon implied sanctions and, by a curious delusion, are not sensed as violations of civil rights, even by the victims themselves. "Liberalism," writes Dr. John H. Hallowell, "was not destroyed by the Nazis . . . rather, the Nazis were the legitimate heirs to a system that committed suicide."[8]

Economic subjugation which, by being "invisible," appears to be nonbrutal, is certainly one of the most effective pressures making for conformity in modern life. If the recusant individual is a writer, do not bother to burn his books—a book burning might call attention to the violation of civil rights; simply blacklist him with editors and publishers. Make it difficult for him to communicate with his audience and dangerous for his audience to communicate with him. Convey to him by a hundred suggestions, often subtle, sometimes brutal, an awareness of what "pays" and what does not pay. Dangle rich prizes for conformity before his eyes and then rely upon "enlightened self-interest" to police his errant thoughts. If he fails to conform, make it impossible for him to earn a livelihood from his craft. Destroy his self-confidence. Create such an atmosphere of hostility toward him that even his children will be shunned by other children, but take care, all the while, to insist that his civil rights have not been violated in the slightest degree!

The direct sanctions, however, must always be available. A general propaganda against "subversive activities" and "Communism" will serve as a vivid reminder that these sanctions exist; it will also be a major factor in the psychological warfare directed at the recusant individual. But to make the point even clearer,

[7] Vol. 96, p. 399.
[8] *The Decline of Liberalism as an Ideology*, 1946, p. 108.

select, from time to time, an intransigent heretic and make an example of him; the others will get the point. The humiliation of an intransigent heretic has symbolic value; it is much more important, propagandawise, than the humiliation of a less defiant witness. Having selected the strategic hostages, bring every pressure to bear upon them to recant. Every inquisition aims primarily at recantation since silence, in periods of great social tension, is more menacing than action. The prelude to recantation consists in breaking the will to resist by myriad and convergent pressures. The aim of Fouché, the dreaded Minister of Police under Napoleon I, was ". . . not so much the annihilation of the caught bird, but the catching of others. He did not believe so much in violent punishment but in enforced enlightenment. The prisoner could improve his own position by enlightening the eager police . . . all the worse for him if he failed to realize his own interest." [9]

In the particular case, ten writers were discharged from their positions and blacklisted in the motion picture industry as a result of direct pressure applied by a congressional committee. If the committee had subpoenaed ten editorial writers from ten newspapers, all identified with a similar point of view, and had then told their employers to fire them, it could not have been any clearer that the intention was censorial. This, indeed, is how censorship is accomplished under the guise of protecting "the freedom of the screen." No laws are necessary; all that is needed is a little pressure, strategically applied.

In the case of the ten heretics from Hollywood, one could *feel* the stage and off-stage pressures being applied. At the opening of the hearings, Mr. Eric Johnston, speaking for the industry, gave eloquent assurance to the committee that he would ". . . never be a party to anything so un-American as a blacklist." Chairman J. Parnell Thomas ignored this fancy speech-making and continued to apply the pressures. But Johnston still held fast; on October 27, 1947, he declared: "When one man is falsely damned in an hour like this when the Red issue is at white heat, no one of us is safe!" Hollywood applauded a fine performance but Thomas, who had learned the arts of pressure in squeezing

[9] Bramstedt, *op. cit.*, p. 24.

nickels and dimes from his stenographers, continued to apply more pressure. Once again Johnston demurred, this time on November 20: "It's either free speech for all American institutions or individuals or it's freedom for none—and nobody." This seemed to be too good to be true and it was, for on November 26 this same Mr. Johnston declared on behalf of the entire motion picture industry: "We will forthwith discharge or suspend without compensation those in our employ, and we will not re-employ, any of the ten until such time as he is acquitted, or has purged himself of contempt, and declared under oath that he is not a Communist." In those dreadful "dark ages," long, long ago, witches were made to sit on hot irons or stools until they confessed and recanted; but we use steam, and the pressure of steam.

* * *

On June 10, 1950, John Howard Lawson and Dalton Trumbo of the Hollywood Ten surrendered in court and were sentenced to one year in jail and fined $1000 each, for contempt, the Supreme Court having declined to review the case, with dissents by Black and Douglas.

IV

Hans and the 32 Grams

On may 12, 1949, Representative W. Sterling Cole of New York placed in the *Congressional Record* the script of a radio talk by Fulton Lewis, Jr. The talk was laden with political uranium: it charged that one Hans Freistadt, a naturalized citizen, and, worse, a Communist, was studying at the University of North Carolina under a fellowship granted by the Atomic Energy Commission. And then, on May 18, the morning edition of the *New York Daily News* carried the terrifying headline: atom bomb uranium vanishes! From then on, the headlines blossomed like the Rosicrucian's mystic rose. Congress promptly integrated its manifold fears in the one issue of Hans and the 32 grams. Down the years, Congress has made stupid mistakes from time to time, usually under the blind governance of fear, but seldom has it made a blunder of the proportions that it now proceeded to commit upon discovering that 32 grams — 1.05 ounces of U–235 — were missing from the Argonne Laboratory in Chicago and that one Hans Freistadt, formerly of Vienna, was studying at Chapel Hill.

1. THE YOUNG HERETIC AS SCIENTIST

After a week's violent speculation, the first photographs of Hans Freistadt appeared in the press. Neat, well-dressed, looking about sixteen years of age (he was twenty-three), he gazed out at the American public with the incredible earnestness and candor which seem to be the hallmark of precocity. In appearance, he might be described as "the ideal type" American graduate student. Certainly his appearance was sharply at variance with the

role to which he had been so luridly assigned by Representative John Rankin: "The American people are simply horrified that the Atomic Energy Commission has a Communist in the University of North Carolina, teaching him how to blow this country to pieces in years to come." What, then, were the facts about this political wolf in sheep's clothing?

Hans Freistadt was born in Vienna in 1926, the year that Adolf Hitler set up a special "loyalty review board," known as the Committee for Examination and Adjustment, to purge the S. A. of weaklings and perverts. Vienna was literally alive with anti-Semites in 1926 and, for the first five years of his life, this was the world known to Hans Freistadt. His father, a left-wing journalist, was then Vienna correspondent for the Berlin *Der Abend*. When Hans was five years old, the family, which included a sister, moved to Berlin, where the father edited another left-wing paper. The year, of course, was 1931. Three years later, with Hitler in power, the family fled to Vienna, one jump ahead of the Nazis. But residence in Vienna was by then almost as dangerous, for a Jewish family, as residence in Berlin, and so the Freistadts moved on to Paris where the father edited an anti-fascist newsletter.

When the war came, Freistadt senior was promptly thrown into a concentration camp in southern France without trial, hearing, or charges. From September 1939 to April 1941, the father remained in the camp while the son and daughter were in Paris with the mother. But in the Nazi bombing of Paris the mother was killed and, for a time, the two children were left alone. Granted a release in the spring of 1941, Freistadt sailed from Marseilles for New York, under a French exit-permit, with his two children. The Jewish Children's Agency arranged to send the children to an orphanage in Chicago, where Hans was enrolled, on a temporary basis, in the Hyde Park School. The father went on to Mexico where, true to form, he promptly founded an antifascist quarterly. Later the father and the daughter returned to Vienna where they now live.

The University of Chicago was sufficiently impressed with young Freistadt's academic record to grant him a scholarship

and to admit him without examination or a high school diploma. The Jewish Children's Bureau paid for room and board and Hans worked part time to buy his books and clothes. In June 1946 he was given the degree of bachelor of science, and in August 1948 the degree of master of science. Between these dates, he spent two years in the army and had been advanced to the rank of sergeant at the time he received his honorable discharge. Upon returning to Chicago, he arranged to take his doctorate under Dr. Nathan Rosen at the University of North Carolina in the field of general relativity.

Freistadt joined the Communist Party in 1946, two years after he had become a citizen. He had, however, been interested in Communism for a long time; in fact since he had first come to know Communists at the age of twelve or thirteen. One gains the impression that in both Vienna and Berlin, and later in Paris, Communists were not unknown in the Freistadt household. However he did not become convinced of "the correctness of the Communist beliefs" until *fairly late* in his army career. A joint committee of Congress, made up of the best talent of both parties, failed to ask him just what had happened that had finally convinced him, although this was, in a way, the crucial point in his examination.

At Chapel Hill, Freistadt made prompt and public avowal of his Communist beliefs: here was a heretic who practiced full disclosure. Shortly after his arrival, he formed the Karl Marx Study Group, composed of precisely thirty-eight students, and wrote numberless letters to the editor some of which actually were published in the *Tar Heel.* On at least four or five occasions, he took part in debates in the course of which his political position was made quite clear. Neither his sponsor nor the administration raised any objection to the presence of this part-time instructor and graduate student who doubled in the role of the leading campus "red." Despite his known Communist affiliation, the issue was not raised when, on March 30, 1949, he was awarded an Atomic Energy Commission Fellowship which paid $1600 a year, to engage in research of a nonsecret character in theoretical physics.

Appearing voluntarily before the Joint Committee on Atomic Energy, young Freistadt proved to be an able witness. Asked if he believed in the capitalist system, he replied: "I do not. But I don't believe that the capitalist system is part of our form of government." He believed in "private enterprise" but on a small scale. As to "force and violence," he thought that the Nazi government should have been overthrown by force and violence, and it was; but here, where the channels of peaceful progress were clear, "well, I see no reason why one should not use peaceful channels of progress." He was by no means dogmatic: "If, later, as a scientist, I find I'm in the wrong and the capitalist system can solve the boom or bust problem, I might change my mind."

Although his fellowship had been granted for work in an unrestricted field, he made it quite clear that under no circumstances would he disclose secret information to unauthorized persons. If the Communist Party was the "agent of a foreign power," he was not aware of the fact; and he would resign instantly if he thought this were true. Yes, he would fight in the event of a war with Russia, "if, contrary to what I believe and contrary to what John Foster Dulles believes, Russia should attack us." But he would not work, as a scientist, on aggressive weapons of war. He was insistent that the revocation of his fellowship would be a blow to civil rights. "Once scientists and science students are discriminated against because of their political views or lawful political activities the whole concept of academic freedom as we have known it is endangered."

Obviously nettled by this cool performance, Congressman Price decided to make a political speech. "You perhaps have not gone deep enough into the study of American history to know of some of the statements of our great patriots, but there are some that are carried on the mastheads of some of the American newspapers, and one in particular, the most outstanding, is to be found on the masthead of the *St. Louis Post-Dispatch*, which reads: 'My Country! In her intercourse with foreign nations may she always be in the right; but my country, right or wrong!' I assume that you do not hold with that spirit of patriotism?" To which Freistadt replied: "My attitude toward that statement is

the same as that of President John Quincy Adams: 'I disclaim any patriotism incompatible with justice.' "

The Congressman tried again. This time he accused Freistadt of ingratitude to "the capitalist system." Hans readily acknowledged that capitalism had achieved "great things for this country" but he doubted that it could solve the economic crisis of our time. He hastened to add, however, that he was extremely grateful to the United States. It is difficult, indeed, to see how anyone could expect Freistadt to be grateful to the capitalist system, except in the most metaphorical sense. The capitalist system had not paid his tuition or bought his clothes; nor had it fed him or advanced his travel expenses from Chapel Hill to Washington. If he should have been grateful to the capitalist system, rather than, say, to the Jewish Children's Bureau, then, by the same logic, he should also have been grateful to the Reformation, the Protestant Ethic, the Industrial Revolution, and Christopher Columbus.

There was, indeed, an extraordinary David-and-Goliath quality about this inquisition. Here was a young man, alone, without counsel, in a merciless glare of publicity, ably defending his views under the supposedly "withering" cross-examination of a joint congressional committee widely praised for the competence and ability of its members. Why should this committee have found it difficult to understand how this sensitive, idealistic, highly intelligent Jewish boy had come to embrace the Communist doctrine? His early childhood had been spent in a hotbed of anti-Semitism; his father had been unjustly imprisoned by a capitalist government and his mother had been killed by capitalist bombs. Did the committee members believe, as they clearly implied, that Freistadt's espousal of Communism, at the age of twenty-three, implied a permanent lifelong commitment? Did they want to confirm this young Communist's beliefs about "bourgeois justice"? As a matter of fact, he gave them a lead to the reasons which had prompted him to join the Communist Party but they had failed to follow up this lead. Of this young scientist, an American citizen, a veteran, the *Denver Post* inquired, in an editorial which reflected the nearly unanimous view

of the press: "Do We Have to Coddle this Hostile Genius?" and then went on to castigate Freistadt as "an avowed enemy of freedom." But there is nothing in the record to justify the belief that this young man is any more "an enemy of freedom" than Albert Einstein or Pearl Buck or Cardinal Stritch.

Even more difficult to understand is the position of the University of North Carolina. In a report to the trustees, the administration had this comment to offer: "The Communists are taking advantage of the unlimited freedom of our university. And if we are not realistic, prudent and cautious, we may discover too late that we have . . . stretched our freedom and tolerance to the point that we have been unwitting 'collaborationists' of the Communists." And then, as though under some mysterious compulsion, the administration came out squarely and resoundingly against Communism. "There is only one avowed Communist Party member now teaching at any of our three institutions and his appointment is temporary and expires June 1st, 1949." However the administration simply could not wait until June first, so ex-Sergeant Hans Freistadt, victim of the Nazi terror, exile and refugee to Free America, was "fired" by the university on May 24, 1949.

Fortunately one or two American newspapers did speak out against this shameful repudiation of freedom, among them the *San Francisco Chronicle* (May 20, 1949):

> Hans Freistadt seems to have a very good scientific brain, capable of highly promising development in the field of relativity. The objective should be to let his brain benefit the nation. But what, unfortunately, seems to be happening is the formation of a stormy, hysterical resolve to hound and harass this young man, interrupt his studies by withdrawing his fellowship, and brand him unfit for education at the public expense. About the only results of such persecution will be to impoverish science to an extent no one can measure and confirm ex-Sergeant Freistadt in his Communist beliefs.

However, far more serious results have stemmed from the case. For what Congress did, in its hysterical concern over Hans and

the 32 grams, was to jeopardize the security as well as to libel the good name of the American people.

2. THE SENATOR FROM IOWA

The hearings in the Freistadt case provide a classic illustration of the relation between politics and science; of the difference between the way demagogues think and the way trained scientists think.

Now what was the program which the committee had under investigation? To meet a critical shortage in trained scientific personnel, the AEC had been authorized by Congress to finance certain types of research and training. Reluctant to venture into a field in which it had no competence, the commission had asked the National Research Council to select the candidates. Some measure of the council's competence, in this field, may be suggested by the fact that Dr. J. Robert Oppenheimer, Dr. Ernest O. Lawrence, and Dr. Henry D. Smyth, among other distinguished scientists, once held fellowships awarded by the council. From the outset, Mr. Lilienthal took the position that the issue was one of "freedom for scientific inquiry": the real danger, he said, was that "the wells of education might be poisoned." On the other hand, Senator B. B. Hickenlooper of Iowa kept insisting that the only issue was: "Should public funds be appropriated to educate members of the Communist Party?"

Mr. Lilienthal, who is a wily politician, apparently assumed that it would be smart strategy to make a brief statement and then let Dr. A. N. Richards of the National Academy of Sciences and Dr. D. W. Bronk of the National Research Council take over the real burden of the defense. Again and again, he sought refuge in the proposition that whatever was agreeable to the National Research Council would be agreeable to the AEC. But neither Dr. Richards nor Dr. Bronk would take the position that, after all, a citizen who is a Communist might have the same rights as any other citizen. Before long, both men were actually *suggesting* to the Senator from Iowa the very "compromise" which they, along with Mr. Lilienthal, had originally intended

to resist. Once they had capitulated, the AEC was compelled to "go along with" a policy of discrimination. One week later the AEC announced that a loyalty oath and non-Communist affidavit would be required of all fellows.

But, as always happens, this belated appeasement failed in its main purpose. On August 2, 1949, the Senate adopted a rider to an appropriation bill providing that fellowships should not be granted to any person who advocates or is a member of an organization that advocates the overthrow of the government by force and violence or of whom the AEC has reasonable grounds to believe that he is "disloyal by character or association." Thus the AEC is now committed to a policy not merely of loyalty oaths but of formal FBI clearance and investigation of candidates, and this, in effect, makes political orthodoxy a test of scientific competence.

The fateful rider was carried by a voice vote without audible dissent. It is fairly clear, however, that Senator Glenn Taylor was the only Senator who might have voted "no" if a record vote had been taken. The debate itself makes painful reading. A number of able Senators — McMahon, Morse, and Pepper — obviously wanted to oppose the rider but the combination of Communism and atomic energy constituted too formidable a bugaboo and so they remained silent. Senator Pepper was the only Senator to observe, rather quaveringly, that the rider failed to provide even a "hearing" for those denied "clearance."

Indeed the weakness of the men of good will is, in some respects, the most disconcerting aspect of this shameful incident. One gains the distinct impression that Mr. Lilienthal wanted the National Research Council to work out some deft and subtle procedure by which the "reds" could be eliminated without formal clearance or investigation. He kept insisting, for example, that some "informal arrangement" would suffice. But if it is wrong to discriminate against a citizen because of his political beliefs, then the discrimination does not become less objectionable because it is accomplished by guile and cunning. The "invisible" quota which excludes a Jewish student from a medical school is just as objectionable as a formal bar.

It is curious, too, that the Senate should have been so uninterested in the circumstances under which Hans Freistadt became a public issue. Tucked away in the transcript, however, is this information: Freistadt was granted a fellowship on March 30, 1949. On April 20, someone in the FBI notified someone in the AEC that Freistadt was a Communist. At this time, the FBI had not been asked to investigate candidates and the information was entirely gratuitous. In fact, the application forms said nothing whatever about Communism or about political or ideological beliefs. How did it happen, therefore, that a radio commentator apparently knew what the FBI knew before this information was known to Congress? Freistadt's fellowship, it should be noted, was withdrawn before it was scheduled to take effect on July 1, 1949. This puts the AEC in the morally impossible position of defrauding as well as injuring a citizen and a war veteran. For Freistadt had won this fellowship honestly, in open, competitive examination; nor had he been guilty of the slightest equivocation or concealment.

The same ugly background of connivance and manipulation appears in the related case of Dr. Isidore S. Edelman. While working at the Harvard Medical School on an AEC fellowship, Dr. Edelman was approached by William Bradford Huie, a free-lance writer, from whom he learned that he was about to be exposed as a red. Prior to this visit, Dr. Edelman had not been interviewed by the FBI; nor had he been told that he was under investigation or that charges of any kind had been filed against him. Before he could recover, so to speak, from the shock of the announcement, his name was in headlines from coast to coast and with the most sinister and damaging implications.

Dr. Edelman, born in Brooklyn, attended the Indiana Medical School. While he was studying there, he and his wife became interested in Communism. "I became aware," he testified, "that there were many things going on in the world which seemed to me quite chaotic." Seeking to investigate Communism for themselves, the Edelmans attended two closed meetings, subscribed to the *Daily Worker*, and later signed some form of application. "I don't know," he later said, "whether this constituted my being

a member of the Communist Party or not." Thereafter the Edelmans lost interest in Communism and ceased to have any connection with the party. Dr. Edelman served in the army during the war and was commissioned a captain.

It should be noted that Dr. Edelman had been granted a fellowship to study, with the use of tracers, the rates of excretion of electrolytes with special reference to the role of the endocrines – a subject which could hardly be regarded as having ideological or military significance. "I don't know a damn thing about nuclear physics," he testified; "if somebody tried to tell me about the atomic bomb, I wouldn't know what they were talking about." In the transcript appear scores of letters from friends, hospital officials, former instructors, and colleagues, all testifying, and often in the most eloquent terms, to Dr. Edelman's loyalty and patriotism, above all to his loyalty to the sick and the suffering.

The special finesse to his case is this: he had first applied for a position with one of the AEC laboratories but had been denied clearance because of the background just mentioned. In the teeth of a warning from the joint congressional committee, Mr. Lilienthal had then insisted that he be granted a fellowship, for his record indicated that he was an outstanding student for medical research. Thus the AEC is directly responsible for the fact that Dr. Edelman was placed in a position without his knowledge – for he was never informed of the denial of clearance – which later exposed him to a vicious public attack. Perhaps for this reason the AEC did *not* withdraw Dr. Edelman's fellowship although it had quickly withdrawn the fellowship which Freistadt had won by competitive examination. Aside from the fact that Edelman had left the Communist Party, it is hard to reconcile the decisions in the two cases.

3. THE SCIENTISTS REPLY

If one listens to what the scientists had to say at the Freistadt-Edelman hearings, it is quite clear that the Senator from Iowa, and his colleagues, were intellectually impeached. Consider, for

example, the testimony of Dr. Lee A. DuBridge, president of the California Institute of Technology. "I think the loyalty oath," he testified, "is a piece of paper which has very little meaning. It will eliminate an occasional naive youngster who is quite willing to admit he is a Communist and still thinks he can be loyal to his country. It will not eliminate the really dangerous, subversive Communists, who are quite willing to perjure themselves if they think it to their advantage to do so."

Sending sleuths around to check up on students, interviewing their relatives, friends, and instructors, would be repugnant, Dr. DuBridge suggested, to American ideals and harmful to the AEC program. Besides it would be quite unnecessary: "99 per cent of the so-called field of atomic science is just as nonsecret as biology or medicine, or agriculture, or metallurgy, or seismology." Nor is it possible, unfortunately, to tell just where brains will arise. "They may arise in association with very curious political ideas, but brains are a national asset and we should encourage them and support them wherever they are found." A clearance program might disqualify "a very considerable number" of perfectly honest and loyal men on the basis of inconclusive and possibly erroneous evidence. Again and again, Dr. DuBridge warned the committee against the introduction of "police-state methods, the review of political opinion, the purge of scientists, and the purge of other people."

To a young person, testified Dr. Enrico Fermi, it might seem almost one's duty to join the Communist Party, this being the most realistic way to find out what the party is like. Must a young man accept, at face value, on some other person's authority, a ready-made mass-produced analysis of Communism and Karl Marx? Is this "scientific"? Is there anything wrong with experimentalism — the take-nothing-for-granted attitude — which we have sought to emphasize in American education? If Communism is precisely what the anti-Communists charge, then intelligent young men and women can be relied upon to discover this fact quickly enough. Obviously this is not an argument why young people should join the Communist Party: but it is a reason why their elders should not be shocked out of their wits when, from

time to time, one of them decides to find out about dialectical materialism by associating with, and observing, dialectical materialists.

In a letter to Senator McMahon, Dr. J. Robert Oppenheimer pointed out that only a small number of scientists were engaged in or would be likely to engage in restricted work; that important contributions to atomic science have been made by scientists who were Communists, and thus "it would be contrary to all experience to suppose that only those who throughout their lives have held conformist political views would make the great discoveries of the future"; and that the clearance procedure involves questions of "opinion, sympathy and association in a way which is profoundly repugnant to the American tradition of freedom." The security side of the program, he suggested, should be kept at an absolute minimum. Secret investigations, he added, "inevitably bring with them a morbid preoccupation with conformity, and a widespread fear of ruin, that is a more pervasive threat precisely because it arises from secret sources."

Dr. Alan Gregg, of the Rockefeller Foundation, told the committee that they were taking a perverse view of the fellowship program: the government was not trying to *give away* fellowships; it was *seeking* scientific talent. Loyalty investigations would be certain to discourage applications: some students might not like the idea of being investigated; others might fear disqualification because some uncle or aunt had once belonged to an anti-fascist organization; and still others might hesitate, realizing that a denial of clearance, for any reason, could have the most harmful permanent consequences.

But all this, Dr. Gregg hastened to add, was quite beside the point. If a phrase such as "potentially subversive" is to be used in the screening of undesirable applicants, then the committee should realize that all applicants are potentially subversive. They are also potentially reactionary. In short, youth is potentially everything and anything. Great care should be taken, therefore, in the manner of approach, for the young draw inferences of value from their initial contact with institutions. Besides, there is always time to screen scientists for secret work. But to establish a loyalty

test at the outset of a scientist's career is to establish a political means test for education, and that, he warned the committee, "is going to cause a great big storm. The storms will come slowly; but, like most big things, they come slowly at first and then they develop speed as they come along."

Now that this excellent advice has been ignored, one can only speculate as to what assurance Senator Hickenlooper has that some brilliant research student, whose present political beliefs are, to use his own word, "clean," will not decide, ten years hence, to join the Communist Party. The most rigorous screening of students cannot eliminate this risk. However miraculous the powers of divination, the FBI has not yet invented a test that will certify an applicant as being constitutionally immune to the virus of Communism.

The Senator's dogmatic definition of the issue: "Should the federal government appropriate money for the education of subversives?" has about the same relevance to the real issues in the Freistadt case as the question: "How would you like to have your sister marry a Negro?" has to the issue of racial discrimination. I wasted a great deal of time trying to answer this question before I realized that it can only be answered by exposing the neurotic attitude from which it stems. I started saying, quite simply, "Well, she did," and I had no more trouble with the question.

In his testimony before the joint committee, Dr. Gregg gave an excellent demonstration of how to deal with demagogues. Congressman Hinshaw wanted to know if Dr. Gregg actually thought that we should spend money "to educate people who are loyal to some other government." And Dr. Gregg, with admirable candor, said yes, he thought this would be an excellent idea. Somewhat startled, Hinshaw then stated that membership in the Republican, Democratic, or Socialist Party had, of course, nothing to do with a man's scientific competence or loyalty; but what about the Communist Party? Membership in the Communist Party, replied Dr. Gregg, might or might not mean that a man was disloyal; but membership in the Democratic or Republican Party would certainly not be a guarantee of loyalty. At

this point, Hinshaw backed away with the comment: "This is not a political issue: it is a loyalty issue."

The plain fact is, however, that the issue is strictly political. Dr. Gregg and his associates were discussing the problem of loyalty; but Hinshaw and Hickenlooper were discussing the *political* issue to which the loyalty obsession has given rise. Since the politicians were talking about one thing and the scientists about another, there could be no meeting of minds. The questions which the politicians kept putting to the scientists were the questions which the politicians knew perfectly well would be put to them by their constituents or by their political opponents. Senator Hickenlooper, for example, was clearly thinking in political terms: "I do not believe," he said, "that the American public will *stand for* the education of a Communist with public money" (emphasis added). Never having undergone the ordeal of a senatorial campaign in Iowa, the scientists could not understand Hickenlooper's point of view.

One might assume that Senator Hickenlooper's obsession with secrecy and security would disappear once it had been revealed that the Russians had actually produced and exploded an atomic bomb. But no! the Senator immediately sought to make political capital of the announcement by charging that the Russians had the secret only because Congress and the American people had not listened to his prior warnings and dire misgivings. To plague her beating heart, wrote Wordsworth, "fear hath a hundred eyes." Fear with its hundred eyes can never be appeased. No security system would ever satisfy the Senator from Iowa, for his fears, like those of his colleagues, are functional; that is, they are strictly political.

And what about the effect of the Freistadt precedent on the fellowship program? On December 16, 1949, the AEC announced that it had "drastically reduced" the number of research fellowships for 1950 "because of the opposition of many scientists and scholars to loyalty investigations of applicants in non-secret fields." [1] When the National Academy of Science met in October, it advised the AEC that ". . . the requirements of FBI investiga-

[1] See *N. Y. Times*, December 16, 1949, story by Harold B. Hinton.

tion and Atomic Energy Commission clearance are ill-advised for those fellows who neither work on secret material, nor are directly preparing for work on Atomic Energy Commission projects." Indeed the Academy at first refused to have any further connection with the fellowship program but finally agreed to authorize the National Research Council to continue selecting applicants until June 30, 1951. Confronted with these developments, the AEC was forced to cut the number of fellowships. Only 75 new fellowships were granted for 1950 and only 175 existing fellowships were renewed.

Oh, yes, the 32 grams . . . Virtually all the missing uranium was found, shortly after it disappeared, and was quickly restored to the ominous vaults of the Argonne Laboratory. The disappearance of the material was quite satisfactorily accounted for and no spies were arrested. However, in his excitement, Senator B. B. Hickenlooper inadvertently revealed a piece of classified information, namely, the degree of enrichment of the lost uranium! The Senator, of course, was not indicted; but, at last report, Hans Freistadt was looking for a job.

4. PHOBIC FEARS VS. SOCIAL REALITIES

The hubbub about the Freistadt case provides a perfect illustration of how politicians exploit fears to conceal social realities. Actually the real issues in the Freistadt case go to some of the major questions of our time. It is the enormous discrepancy between the question posed in the political debate and the real questions that points up the meaning of the case. What, then, were some of the real issues which the debate of the fantastically irrelevant issue of the Communism of Hans Freistadt concealed? The issues all relate to a "situation" which can be suggested but which, in all its ramifications, is entirely beyond the scope of this book.

The Constitution guarantees free speech but nothing is said in the First Amendment or elsewhere in the Constitution about freedom of scientific research or freedom of science. Freedom

of scientific research involves far more than the freedom of scientists to speak; indeed it involves far more than their freedom to read and to think. Nowadays it is not freedom from social and religious conventions for which scientists must contend (after the manner of Pasteur and Darwin); what now threatens science is the danger of political control. Hickenlooper is a symbol of what scientists must fear today.

Freedom for scientific research implies a great deal more than it implied fifty years ago. It implies freedom of discussion, of publication (without censorship), of exchange. It implies free access to the materials of research and freedom in the selection of projects for research. It implies that scientists must be free to move about, to travel at home and abroad, to attend conferences, and to enjoy complete freedom of correspondence. It implies freedom from surveillance. It implies that no effort will be made and no pressures will be applied to predetermine the results of any experiment. It implies complete political freedom for the scientist, for freedom of science is inseparable from political and economic freedom and the scientist must be free to take certain issues directly to the public. It implies, also, complete freedom in the training of scientific personnel by scientists using scientific methods and not by politicians with an eye on Gallup polls. The Freistadt case raises, directly and by implication, these and many related issues; but it was debated and disposed of as medieval inquisitors might have disposed of a case of witchcraft.

These issues are of the utmost gravity for the perfectly obvious reason that science has become indispensable to man's ability to survive on this earth. Today science implies organization. The growth of scientific knowledge alone has reached a point where there are definite limits to what any one individual can learn and know. Personal association with other scientists has become, therefore, a condition to scientific progress and this clearly implies organization. Also there are only a limited number of scientists in the world: according to J. D. Bernal, about 250,000 scientific workers of whom only 25,000, approximately, are engaged in research. To make the best use of this limited personnel,

and to train additional personnel, implies organization. "A single scientist," writes Dr. Philip M. Morse, "working all by himself, is today an unproductive anachronism." Science is no longer one thing, far off in a corner of the field of knowledge by itself; it is encompassing an ever-larger section of the entire field. It has become "the major social institution which has the peculiar responsibility for the discovery of practically all objectively verifiable knowledge." [2] Today a new scientific finding or theory can have almost limitless ramifications throughout the whole domain of knowledge. Thus freedom of science has come to mean a great deal more than freedom for scientists. Once scientists had to fight for the right to be scientists; today they are compelled to fight for the survival of scientific method.

The necessity for the organization of science is, of course, generally conceded; it is, in fact, a contemporary reality. Before the war, our institutions of higher learning were spending about $30,000,000 per year on research; in 1950 the government alone will give these institutions more than $100,000,000 for research. In 1915, there were about 100 industrial research laboratories in the United States, employing not more than 3000 people; in 1946, some 2500 laboratories employed 133,500 workers. The annual research development expenditures by industry increased from $116,000,000 in 1930 to $234,000,000 in 1940, and will exceed $500,000,000 in 1950. These figures are some measure of the degree to which science has already been organized.

Thus the choice is not between science organized and science unorganized, but between a free science and a science subject to political controls and vetoes. And this issue, in turn, relates to the question of "consent" and to what we mean by self-government. Scientists are a team (the nature of modern scientific research makes this inevitable); and they have a common purpose. They can be trusted to guard the principle of freedom for science for much the same reason that a faculty can be trusted to guard the principle of academic freedom — that is, they understand the principle and have a direct stake in its preservation. But scientists can only guard the freedom of science if they themselves are

[2] *Bulletin of the Atomic Scientists*, January 1949, p. 26.

free; if they have real autonomy. Free scientists can be trusted for the same reason that free men can be trusted. But freedom of science becomes a mockery if politicians can tell scientists what is true or false; that is, if they can dictate findings. Findings can be dictated, moreover, by many indirect techniques, as through the control of funds, of personnel, of appointments, of tests of competence, and so forth. It is for this reason that political conformity as a test in the selection of scientific personnel could easily lead to politically determined scientific orthodoxies. Government should no more be permitted to dictate to scientists than it should be permitted to dictate academic policies to university faculties or to tell the motion picture industry the writers it can employ and those it cannot. In short we are concerned today, whether we realize it or not, with the urgent problem of "social freedoms" – that is, the freedom of science, academic freedom, cultural freedom, freedom for electors, and so forth. Individual freedoms, to a large extent, have come to hinge on these social freedoms. Individual freedoms are guaranteed, in theory, by the Bill of Rights; but we have no bill of rights, except by implication, for these larger social freedoms.

The attempt of the Hickenloopers to dictate to the scientists is but a phase of a tendency, everywhere apparent since 1914, to revert to prescientific political dogmatisms. An increasingly large portion of research funds has been diverted into secret military channels since 1914 and, to protect this use, discussion has been stifled. The more science has been used in the military sphere, the more the politicians have reached out to control science. But science has served the interests of war only because science is still partially shackled. In actual practice, freedom of science has been used to conceal the denial of a real freedom to scientists. By a curious counterpoint, a prior denial of freedom has created the conditions which are cited as a reason for a further curtailment of freedom. We do not need to control science in order to insure its nonmilitary application: what we need to do is to free science. Scientists have shown a real sense of social responsibility and have demonstrated a wonderful capacity for self-discipline (the discipline is inherent in the very pro-

cedures of science); but they cannot be held morally and socially accountable if they are to be kept prisoners within airtight political and ideological systems. To treat scientists as irresponsible children or potential traitors is hardly the means to encourage political responsibility. The fact that a few bank tellers have stolen money does not mean that every bank teller must swear not to steal or be subject to surveillance or be denied a passport to leave the country.

Freedom is not incompatible with security; freedom is security. The community which restricts the freedom of science and attempts to curtail the freedom of scientists will lose out in the end. There are no scientific secrets and there is no defense to atomic bombs. This is the reality we dare not face; this is the reality which we propose to conceal by making a fetish of secrecy and a totem of security. It has been the secret and coercive character of the bomb as a weapon which has created the temptation to use secret and coercive methods to destroy freedom. It has created the wish to dispense altogether with the necessity for free debate and discussion and to found government on the principle of fear rather than consent.

The attack on Hans Freistadt was more than an attack on a young scientist; it concealed an attack on the principle of self-government. To eliminate 1 Communist from 497 fellows, Congress adopted a political means test for American education at its higher scientific levels. It also struck a blow — and a very serious blow — at freedom of scientific inquiry. For, beyond all doubt, the Freistadt case will be cited — it is already being cited — as the precedent to be followed in the National Science Foundation program. It will also be cited in connection with certain phases of the government's program to aid research in the colleges and universities and in federal aid to education generally. The Freistadt decision foreshadows, in essence, political control over science. This implies more than a brake on science: it implies the destruction of freedom. The issue is of vast importance since today scientific method is just being applied, on a broad scale, to the solution of social problems. Yet so great are our phobic fears that

one young man and 32 grams of uranium were permitted to overshadow these issues. In an effort to master these fears, and to keep them within manageable bounds, we have tried almost everything now; everything, that is, except freedom.[3]

[3] As evidence that Hickenlooper did reveal the degree of enrichment of the lost uranium, see: *Bulletin of the Atomic Scientists*, August–September, 1949, p. 207.

V

The Berkeley Crisis

THE UNIVERSITY OF CALIFORNIA is the fourth-ranking American university "in order of eminence," according to the late Edwin R. Embree. With 43,426 full-time students on eight campuses, it has the largest enrollment of any American university. Its faculty numbers more than 4000 and it has, in all, about 12,000 employees. Sharing the pride of the people in its achievements, the legislature has always generously financed the university. The capital value of the corporation is approximately 81.1 million dollars and the endowment stands at 43.3 million. During the last thirty years, the university has achieved a world-wide reputation for the excellence and the diversity of its work in the basic sciences. Yet over this campus, where Dr. Ernest O. Lawrence and his colleagues have been changing man's conception of the universe, there has fallen the shadow of a curious political regression. For over a year now, the Regents have been attempting to force the faculty to take a test oath under threat of excommunication. An explanation for this amazing regression is only to be found in an analysis of the *gestalt*, the configuration and sequence of events out of which the celebrated Berkeley Crisis arose.

1. "ENEMIES WITHIN THE WALLS"

On January 22, 1949, the Regents of the University of Washington, in a case that has since achieved world-wide notoriety, announced the ouster of two instructors who were members of the Communist Party. On January 29, 1949, Senator Jack B. Tenney, then chairman of California's Committee on Un-Amer-

ican Activities, introduced a resolution in the legislature commending the Seattle decision, which was promptly adopted. As though to avoid the unpleasantness of a direct public threat, the legislature sent a copy of this resolution to President Robert Gordon Sproul at Berkeley and released a copy to the press. There were then pending in the legislature some fifteen "thought control" bills, proposed by Senator Tenney, including measures requiring test oaths from lawyers, teachers, state employees, and even from members of the legislature! In this context, the inference was clear: either the University of California would adopt a policy similar to that adopted in Seattle or the legislature would be compelled to take some coercive action, either directly or in the form of a delaying action on the budget.

By way of replying to this ultimatum, Dr. Sproul forwarded a copy of a resolution which the Regents had adopted on October 11, 1940, stating that membership in the Communist Party was incompatible with the obligations of faculty membership. In effect this was Dr. Sproul's way of saying that the university had already adopted the policy which the legislature obliquely recommended. And here the matter might have rested had it not been announced, right at this time, that Harold Laski, who had spoken to overflow audiences at the university in 1940, was to lecture at the Los Angeles campus on April 14 and 15. No sooner was the announcement made than, from Berkeley, came word that the lectures had been canceled. Later, in response to a flurry of protest, the administration explained that the invitation to Dr. Laski had been "withdrawn" – not "canceled" – because of a policy of not permitting visitors to speak at Los Angeles unless they were also scheduled to speak in Berkeley, and vice versa.[1] The withdrawal of the invitation was a curious action for a university which has pretty consistently supported the principle of free speech and was doubly hard to explain in view of the extraordinary reception which Laski had received in 1940.

[1] See Laski's account of the incident, the *Nation*, August 13, 1949. Later Laski did speak in Los Angeles at a meeting of which I was one of six sponsors.

Dr. Laski rather naively suggested that the invitation had been withdrawn by way of "revenge" for his activities in the British Labour Party; but he was clearly mistaken. Dr. Sproul and Dr. Clarence Dykstra, Provost of the Los Angeles branch of the university, are both sophisticated "liberals"; they were perfectly well aware of the fact that Laski was not a Communist. As a matter of fact, I first met Laski at a party at which he and Sproul held forth on many issues with obvious mutual enjoyment and a large measure of agreement and Dykstra was Laski's old and intimate friend. The fact is that the invitation was withdrawn simply because the administration feared the repercussions in Sacramento where, at precisely this time, the legislature was studying the university's budget as well as the various thought control bills which Senator Tenney had proposed. Thus the reason for the "withdrawal" was quite different from what it appeared to be. Outwardly it appeared that the university, alarmed by the red hysteria, had suddenly lost its capacity to distinguish red from pink. Actually what the university feared was a demagogic manipulation of the fear of Communism.

As the legislative session drew to a close, the controversial Tenney bills became the main point of debate and, for a time, it looked as though the bills would be enacted. At this juncture, the Regents adopted a resolution on June 12, 1949, requiring all employees of the university to sign the following oath:

> I do not believe in and am not a member of nor do I support any party or organization that believes in, advocates or teaches the overthrow of the United States Government by force or by any illegal or unconstitutional methods.

In the sequence of events, it is quite clear that the administration had hit upon the idea of requiring a test oath as a means of offsetting the enactment of a statutory test oath, and also of avoiding any embarrassment over the budget. But the strategy seriously misfired: first, because the faculty promptly revolted; and second because a majority in the legislature, weary of Senator Tenney's antics, also revolted. To the surprise of nearly everyone, Tenney was replaced as chairman of the Un-Amer-

ican Committee on June 25, 1949, and the Tenney bills were tabled. But by this time Dr. Sproul and the Regents were caught in the meshes of their own intrigue.

Once publicly committed, Dr. Sproul felt compelled to defend the test oath on principle. On November 1, 1949, he told the American Bankers Association that "with this policy of the Regents, I am in complete accord. Indeed, I played a part in formulating it because, as a liberal, I believe that totalitarianism . . . cannot be reconciled with individual liberty or with human dignity." In this same speech, he also spoke of the loyalty oath as a means by which democracy might defend itself against "enemies within the walls." But who were these enemies? Surely not the Communists. There was no Communist problem at Berkeley in 1949 for the university had been committed, for nearly a decade, to a non-Communist hiring policy. From the record, it is quite clear that the real "enemies" were the demagogues who were manipulating the anti-Communist hysteria. Just as the Laski incident had only the most oblique reference to the state of relations between the U.S.S.R. and the U.S.A., so the dispute over the loyalty oath had its origin in the administration's abject fear of the manipulation of "the red menace." The test oath controversy derives, in other words, from an internal rather than an external crisis.

2. "*A MEANINGFUL CEREMONY*"

Two days after the Regents had adopted the loyalty oath resolution, the Northern Section of the Academic Senate met in emergency session. With only four dissenting votes, a resolution was passed asking the Regents to revise the oath or to delete from it the specific abjuration. Later the Southern Section of the Academic Senate took a similar position and with equal emphasis. It should be pointed out that the faculty did not object to the constitutional oath to support and defend the Constitution, required of all state officials under Article XX, Section 3 of the California Constitution which provides that "no other

oath, declaration, or test, shall be required as qualification for any office or public trust." This provision, of course, merely echoes the language of Article VI of the Federal Constitution which provides, *inter alia*, that "no religious test shall ever be required as a qualification to any office or public trust under the United States." Article VI clearly indicates that those who drafted the Constitution were opposed to any attempt to make orthodoxy a test of loyalty or of fitness for office.

More surprised than offended by the faculty's show of independence, the Regents adopted a substitute oath on June 24 which reads:

> I do solemnly swear (or affirm) that I will support the Constitution of the State of California, and that I will faithfully discharge the duties of my office according to the best of my ability; that I am not a member of the Communist Party or under any oath or a party to any agreement or under any commitment that is in conflict with my obligations under this oath.

The new oath was enclosed with contracts for the 1949–1950 school year which were mailed out during the summer although execution of the oath was not made a condition to acceptance of the contract. Apparently the administration aimed at getting as many faculty members as possible to sign and return the oath, along with their contracts, before the full faculty could reassemble in the fall. To some extent the strategy worked but a significant minority refused the bait and returned their contracts duly signed but failed to execute the oath.

With the commencement of the fall term, the Northern Section of the Academic Senate voted overwhelmingly on September 9 to reject the specific disavowal clause in the revised oath while, once again, raising no objection to the oath to support and defend the Constitution. With 700 faculty members present, only one dissenting vote was recorded and the faculty at Los Angeles took a similar stand. Meeting on October 3, the Regents reaffirmed their position that a generalized oath would not be acceptable; thus the issue, which had originally seemed

to be one of policy, had suddenly been converted into a major constitutional crisis.

As though to emphasize the gravity of this crisis, the Regents then proceeded to discharge Dr. Irving David Fox, a brilliant young physicist, for his refusal to answer a question about his political affiliations when called as a witness by the House Committee on Un-American Activities. Curiously enough, Dr. Fox had executed the form of oath which the Regents had demanded and had also assured the Regents, when he appeared before them, that he had never been a member of the Communist Party although he had been interested in Communism at one time. The period to which he referred, and about which he had been questioned in Washington, was considerably prior to his joining the faculty at Berkeley.

The issue in the Berkeley Crisis turns, of course, upon the *specific disavowal* contained in the test oath proposed by the Regents. Speaking for the proponents of the oath, the *Los Angeles Times* took the position that any pledge of loyalty which failed to contain "an implicit disavowal of any group whose aim is the violent overthrow of existing American institutions" would have no meaning whatsoever.[2] At the same time, however, the *Times* conceded that the oath would not eliminate Communists from the faculty since it assumed that all Communists were liars. Indeed the real basis for the insistence on a specific disavowal of Communism is stated in this same editorial: "The teacher never has fared better than under the system the Communists contemptuously call bourgeois democracy; surely he owes that system something, even if he regards its request as somewhat redundant."

What this statement clearly reflects is the demand for total ideological conformity upon which the dominant elements in a society always insist in time of storm. For example, the word "system," as used in the editorial, is fatally ambiguous; does it refer to the "system of free enterprise" as defined by the N.A.M. or does it have some broader reference? The abjuration is, therefore, primarily aimed at coercing conformity: only in the most

[2] Editorial, September 22, 1949.

indirect manner is it thought of as a means by which nonconformists might be identified. Edward A. Dickson, chairman of the Board of Regents, made this meaning clear in his explanation of the Regents' insistence on the disavowal clause: "The world today," he said, "is standing at what is probably a great historical crossroad. The people of the State demand an assurance of good faith from those who staff the great educational institution." But an assurance of good faith about what?

In rejecting the specific disavowal, the faculty raised many objections: the oath attempted to substitute a political test of competence for academic qualifications; it placed the power to hire-and-fire in the hands of the Regents, where it did not belong; it was redundant and insulting; it stressed a negative subordinate assertion which had nothing to do with academic qualifications; and the implied coercion was objectionable per se. But the basic constitutional objection to the oath-of-abjuration is that it violates the spirit – the historical meaning – of Article VI of the Federal Constitution. To be sure, Article VI refers to "religious tests" but the experience which this section aimed to guard against was unmistakably political. Article VI was intended to prohibit *test oaths*. Test oaths are abhorrent precisely because they contain specific disavowals; the specific disavowal reveals the intention to make conformity-in-belief a test of citizenship. The form of the oath is objectionable, in other words, because it betrays this real purpose, this illegal intention.

No rational person really believes that one loves one's country or one's wife the better for swearing to love. Every criminal has sworn allegiance many times and the number of revolutions in history would indicate that little reliance can be placed on oaths of allegiance and supremacy. If the loyalty was the real purpose, a general affirmation would suffice, but test oaths are concerned with heresy.

The *New York Times*, in an editorial of June 14, 1949, chided the Berkeley professors for their "stubborn" objection to a mere form or ceremony to which "no good citizen could possibly object." But the ghost of Sir Thomas More would certainly

appreciate the suggestion that test oaths are merely meaningful ceremonies. And the 4000 members of the faculty doubtless appreciate the implication that they are not "good citizens." The editorial cites endless examples of public officials who take oaths every day – as though that were the issue in the Berkeley Crisis! The Berkeley professors have never objected to the constitutional form of oath; indeed this oath has been taken by faculty members as long as there has been a University of California. The crisis at Berkeley is not over affirmations of loyalty but over abjurations of heresy, the current insistence upon which amounts to a form of noonday madness. In a similar vein, the *Los Angeles Times* in an editorial of February 28, 1950, asked the faculty if they were "Too Proud to Proclaim Loyalty?" Who, indeed, is too proud to proclaim his loyalty? But if the publishers of the *Los Angeles Times* and the *New York Times* were asked to submit loyalty oaths, including a specific disavowal, from all their executives and employees, as a condition, say, to the issuance of a publisher's license, would they think this was a mere ceremony? Would they have anything then to say about "freedom of the press"?

The fear that inspires oaths of abjuration is largely unrelated to the existence of national enemies, real or imagined. On the contrary, the fear springs from a feeling that new and dangerous thoughts are sweeping through the society and that *these thoughts,* as such, imperil the social order. At such moments, the concept of heresy is always revived since it is the only means by which the state can hope to deal with Dangerous Thoughts. In the long run, of course, the use of heresy as a weapon to police thoughts is self-defeating, for heresy prosecutions spread the heresies which they are supposed to condemn. But, from a short-range point of view, the test oath, which is one of the indispensable weapons in a campaign against heresy, is diabolically effective.

For example, the test oath completely undermines the safeguard against compulsory self-incrimination. Today I abjure Communism under oath; but tomorrow Communism is defined in a manner that lands me in jail for perjury. Or the testimony of

professional perjurers may land me there without any change in the definition. If, sensing these dangers, I refuse to make the abjuration, I will be branded or smeared, and may suffer the most injurious consequences, simply by reason of my refusal to do what no official has a right to ask me to do. The inclusion of a specific disavowal in a test oath is the key to this intention to subordinate the political will of the oath taker to that of the oath giver. The viciousness of the oath is to be found in the way it exploits the loyalty of citizens to achieve a partisan political purpose.

Test oaths are weapons used to entrap political opponents. They are not aimed at heretics per se but at "the other side" in general. The oath is designed not to catch heretics but to place the entire ideological opposition under an indeterminate sentence of banishment and excommunication. Caught off guard, this opposition invariably makes the mistake of debating the forms and niceties of the sentence rather than challenging the power to impose any sentence whatever. In the United States at the present time, a test oath with a specific disavowal of Communism places the entire left (that is, left of center) at the mercy of the right, just as the oath of loyalty upon which the Czechoslovakian government has been insisting places the entire right at the mercy of the left. A general affirmation of loyalty is usually free of partisan implications but a test oath with a specific doctrinal disavowal is necessarily partisan.

3. NONE BUT THE BRAVE

On February 24, 1950, the Regents adopted a resolution which bluntly notified the faculty and employees of the world's largest university that they would have to execute the revised test oath by April 30 or leave the university. The "get tough" stand of the Regents was promptly endorsed by the *Los Angeles Times;* the Los Angeles Chamber of Commerce; by the Los Angeles Realty Board; by the Republican Assembly; by nearly every woman's club in the state; by Senator Jack B. Tenney and

some of his colleagues; and by the Native Sons of the Golden West. Generally speaking, public opinion divided on a sharp left vs. right basis, the conservative elements demanding that the oath be executed, the liberal elements supporting the faculty. This division is itself the best evidence of the partisan purpose of the oath.

In the face of this ultimatum, the faculty stood its ground with admirable firmness. A group of lecturers, teaching assistants, and other academic employees not represented by the Academic Senate, voted 300 to 1 to resign in a body if any member of the group were discharged for failing to sign the oath. Headquarters were established in a hotel off campus and the faculty announced that a war chest was being raised to carry the fight to the courts. At a full meeting, attended by 900 faculty members, the Northern Section of the Academic Senate unanimously refused to accept the revised oath. And the students, in a series of mass meetings, rallied to the support of the faculty. The *San Francisco Chronicle* reported that 95 per cent of the department heads were opposed to the oath.

With the release of the ultimatum, the public learned for the first time that the Regents were no longer of one mind on the subject of the loyalty oath. Only 12 of the 18 Regents voted to issue the ultimatum. Among those voting against it were, surprisingly enough, Dr. Robert Gordon Sproul and Governor Earl Warren, both ex-officio members of the board. Apparently Dr. Sproul had changed his mind about the desirability of the oath and had persuaded his great friend, Governor Warren, to exert his influence in an effort to get the Regents to reverse their decision. The defection of Sproul so annoyed Mr. John Francis Neylan, another member of the board, that he issued a long statement in which he pointed out that the Regents had not proposed the oath in the first place. "At no time," he declared, "did the Regents originate any loyalty oath." On the contrary, "the Sproul oath," as he referred to the oath, was first proposed by Dr. Robert Gordon Sproul on March 25, 1949.

Caught in this embarrassing position, it became necessary to offer some explanation for Dr. Sproul's singular behavior. And,

for the first time, the inner workings of the loyalty plot were clearly revealed. For Mr. James H. Corley, vice-president, comptroller, and business manager of the university, then made the humiliating admission that he had recommended the loyalty oath to President Sproul in the spring of 1949 in an effort, so he said, "to save the State University from being wrecked by possible political influence." He had feared that the legislature might be prompted to press for legislation which would give it direct control over the faculty and funds of the university. "On assurance from university officials," he added, "that we would reaffirm our 1940 declaration of policy, pledging to keep our institution free of Communistic influence, the bill was not pressed in the legislature." But the administration did more than reaffirm this earlier stand: it proposed the special test oath which the Regents approved. And what did Dr. Sproul have to say? "I formerly favored the oath," he rather abjectly stated, "as a means of rallying the faculty to a firm stand against subversives." But who were the subversives, the Communists or the anti-Communists in the legislature? Both Dr. Sproul's reversal of position and Mr. Corley's frank admissions make it all too clear that the administration had decided to barter academic freedom for a fat budget. The fact that the administration later attempted to beat a humiliating retreat can hardly serve to excuse what was done — in the name of "freedom" and to "defend democracy."

It is, therefore, a matter of uncontradicted fact that the loyalty oath stemmed not from a fear of Communism or of Communist influences, but from a fear of the manipulation of anti-Communist hysteria by demagogues. What President Sproul had to say to the American Bankers Association on the subject of loyalty was not only wide of the mark: it was sheer demagoguery. For the administration now admits that it proposed the oath not to oppose Communists but to appease anti-Communists. And this inglorious capitulation, it should be noted, was entirely needless, for Senator Tenney was removed as Lord High Executioner of the Un-American Committee and his bills were defeated. The administration's advocacy of the test oath

was not responsible for this victory; Tenney was replaced and his bills were tabled without reference to the bargain which the administration had made. Thus the fears to which the administration yielded were not only base, they were groundless.

Unfortunately, however, the test oath issue has not been resolved at Berkeley. For one thing, the effects of the controversy will not be dissipated for many years to come. As Dean Joel H. Hildebrand has pointed out: "No conceivable damage to the university at the hands of hypothetical Communists among us could possibly have equaled the damage resulting from the unrest and ill will and suspicion engendered by the series of events occurring during the past eight months." Once issues of this sort arise, they cannot be easily resolved by simple "face-saving" stratagems. The faculty remains conscious of the fact that, in a critical time, it was betrayed by the administration. A majority of the Regents remains conscious of the fact that the administration placed the board in an awkward position. And the relations between the administration and the legislature have been seriously impaired. Indicative of the ill will which the controversy provoked is the fact that the faculty has accused the administration of sending "snoopers" to report on faculty meetings. It is most disquieting, also, to learn that 86.5 per cent of the faculty actually signed the loyalty oath. In other words, the 13.5 per cent who refused to sign represent a minority of approximately the same size that, in Germany, refused to take the form of oath submitted by the Nazis.

It is also unfortunate that the faculty evaded the real issue by its failure to challenge the non-Communist policy of the Regents. By its failure to challenge the policy statement of October 11, 1940, the faculty robbed its opposition to the loyalty oath of the full meaning which it might otherwise have possessed. For if the Regents have a right to determine that membership in the Communist Party is incompatible with faculty membership, then they have a right to implement this policy by whatever means are necessary or appropriate. In a curious evasion of this prime issue, the faculty voted in a referendum to oppose the loyalty oath but not to challenge the non-Communist policy. It

was thought, of course, that the Regents could be "appeased" by this formula; but, as might have been foretold, the Regents refused to rescind the loyalty oath.

At the zero hour, an alumni committee brought about a "face-saving" solution: the oath would be withdrawn but the form of contract used would contain a non-Communist clause. However, non-signers were given the right to have their cases reviewed by the faculty committee on academic freedom and tenure, so that, in name at least, the principle of tenure was preserved.

Despite the fact that Mr. Lawrence M. Giannini, president of the Bank of America, resigned from the board with the statement: "If we rescind the oath today the flag will fly in the Kremlin," a majority of the Regents approved the compromise formula. However the compromise settled nothing: 412 members of the faculty refused to sign the "non-Communist" pact and their cases will have to be reviewed.

Currently Mr. John Francis Neylan has demanded the resignation of Dr. Carl Robert Hurley, a chemistry assistant, because the AEC refused to "clear" Dr. Hurley for employment in 1948. The basis for this refusal consisted in the following facts. Hurley was charged: (*a*) with having written a letter in 1940 protesting the prosecution of two labor leaders; (*b*) with having once purchased some phonograph records in a Communist bookstore; and (*c*) with the fact that his wife had once written to a friend, allegedly a "red," inquiring about housing on the Berkeley campus! Although the "evidence" is strictly spectral, the incident is serious. For Dr. Hurley was assured in 1948 that the AEC hearing – at which he denied that he was a Communist – would be confidential. Apparently the AEC shares its confidences with John Francis Neylan.

Just what, then, was this crisis really about? The cause of the crisis is to be found not in the fear of heresy so much as in the fear of the manipulation of this fear. One can argue that the specter of Communism created the opportunity which demagogues were quick to exploit; but the fact still remains that the immediate threat to academic freedom stemmed from a legislative committee which had been created to expose "un-American

activities." Inferentially, therefore, "academic freedom" is un-American. The Berkeley incident is symptomatic of a new fear of freedom which seems to be motivated by a loss of confidence in the people. The fears which motivated the legislature in setting up a committee on un-American activities, the fears which prompted the administration to bargain academic freedom for legislative consideration, and the fears which prompted a majority of the Regents to approve this bargain, all stemmed from a feeling that freedom had to be abandoned as a principle of social action; that coercive tactics had to be applied to protect some of the people from the rest of the people. And this strange attitude is related to a failure to recognize that social freedoms transcend individual rights or, to put it another way, that social freedoms can be injured and destroyed when the people become so obsessed with individual rights and privileges that they fail to see the larger social issue.

4. SOCIAL FREEDOM: PERSONAL RIGHTS

Heresy is a storm signal and when social storms are blowing up questions of policy are quickly transformed into questions of power. People are troubled in such periods by a feeling that the issues they debate have a deeper meaning than that which appears on the surface. It is this feeling which makes them struggle so tenaciously over issues that, in normal times, would never arise. In the guise of debating some specific, immediate issue, larger questions of social power are really at stake. With society "at a great historical crossroad," questions touching upon the control of higher education clearly foreshadow the struggle to determine which branch – which turn of the road – the society is to follow.

In Berkeley a doctrinal debate about "loyalty" and "Communism" quickly developed into a debate on a constitutional issue, namely, "Can the regents of a state university coerce the faculty on a matter affecting academic freedom?" On the question of the fitness of teachers, both sides admit the necessity of

devising some method by which the qualifications of teachers can be determined. But the issue arises: How can a teacher be approved or rejected without limiting his intellectual freedom; without making his "views" the test of his competence? The American Association of University Professors believes that the issue can only be resolved if the teacher is judged by his colleagues. Teachers can be relied upon to preserve the independence of the scholar because the independence of scholars is a vital concern to all teachers. They are, therefore, the logical guardians of the principle of academic freedom.

The regents of a state university have "legal power" over the university; but their power is not unlimited even though it may not be subject to formal limitations. The problem of power, which is the central problem of politics, can never be resolved unless there is general recognition of the principle that power over other people is always to be exercised as a public trust and must, therefore, be subject to certain limitations. Initial consent can never confer unlimited power. That the people have not taken from the regents the power to determine the qualifications for faculty membership does not mean that the regents have this power. In creating a state university, the people have created a public trust and, at the same time, they have limited their own power to interfere with the administration of this trust. They have said, in effect, that scholars must be free. But scholars can never be free if they are to be subject to endless referenda based on every shifting in "the winds of doctrine." Hence the people have forbidden themselves, as Dr. Alexander Meiklejohn has pointed out, "the power of direct control over the academic work of the university." Similar implied limitations control the power of the regents. In both cases, the limitations are inherent in the idea of a university – that is, in the purpose of the trust, in its social meaning and function. A university would not long remain a university if the people or the regents could determine the qualifications of teachers.

The power to determine qualifications descends from the people (with self-limitations) to the regents (with self-limitations), and from the regents to the faculty. The regents bring

the faculty into being and confer certain powers upon it; but they cannot determine academic questions, including the qualifications of teachers. In the first place, they are not competent to make such decisions (if they were, they would be teachers); and, in the second place, the faculty which is competent to determine the matter cannot do so unless it is self-governing, unless it is free. In attempting to force a test oath on teachers, the regents are of course making a mockery of tenure rights; but their action threatens something more important than the economic security of the individual instructor — it threatens the freedom of knowledge, the social freedom to learn and to know, the freedom which only knowledge and intelligence can confer.

The Berkeley Crisis, indeed, furnishes an excellent case history of the distinction between individual rights and social freedom. Much of the confusion about the issue stems from a failure to recognize that the test oath strikes directly at a social principle — that scholars must be free in order to defend the freedom of scholarship — and only indirectly at a vested personal right, in this case the rights conferred by tenure. So far as the social freedom is concerned, the damage is done when the challenge is issued. For example, suppose that the entire faculty were to acquiesce, without objection, and were to sign the loyalty oath. Since they had freely "consented," it could hardly be said that the civil rights of any faculty member had been violated. But society would still have a right to object for it could contend that scholars cannot acquiesce in the destruction or surrender of a freedom which is theirs not as a matter of individual right but of social necessity.

Academic freedom implies far more than that the individual scholar shall not be told what conclusions he should reach. It implies something more than economic security and pensions for instructors. It implies that faculties must be free in order to discharge a social function, namely, to guard truth as the test of knowledge and freedom as the test of truth. This implies a right to pass on what is taught, by whom, and by what methods. It implies freedom of research, of publication, of travel, of correspondence, of communication. We fail to recognize these

implications because the Constitution guarantees individual rights; it does not directly guarantee social freedoms. For example, "academic freedom" is only guaranteed by implication. Yet academic freedom is vital to the meaning of freedom of speech, of press, and of belief.

This is the issue, then, which the *New York Times* told its readers should be resolved upon the basis that teachers, being well-mannered and polite, should not object to "a meaningful ceremony"! This casual offhand dismissal of the real issues – this failure to recognize the importance of the principle at stake – is, indeed, the most disturbing aspect of the whole controversy. What this indicates, all too clearly, is that public opinion on constitutional freedoms is today in a most unsatisfactory state. Civil rights are merely restraints which the people have placed on themselves; they are no stronger than the will of the people to be bound by their commitments. But the issue is even more urgent when it relates to social freedoms, which are not defined in the Constitution but upon which individual civil rights have come to depend.

Concurrently with the controversy at Berkeley, Dr. Charles Seymour of Yale, Dr. James B. Conant of Harvard, and Dr. Wallace Sterling of Stanford issued statements in which they expressed definite opposition to loyalty oaths. For example, Dr. Seymour announced that Yale, having managed to get along without loyalty oaths for over a hundred and twenty-five years, would continue to defend American political ideals "by positive and imaginative measures" rather than by "rear guard actions."[3] None of these men can be fairly accused of being "soft" on the subject of Communism; they are somewhat less "liberal," on most issues, than either Dr. Robert Gordon Sproul or Dr. Clarence Dykstra. But there is this crucial difference: Seymour, Conant, and Sterling preside over "private" institutions which enjoy a degree of immunity from political pressures and organized red-baiting. This difference underscores the fact that it is the demagogic manipulation of anti-Communist feeling which is the real threat to academic freedom today. For Com-

[3] *N. Y. Times*, June 22, 1949.

munism can hardly be a greater evil at Berkeley than at Yale, Harvard, or Stanford; what is "menacing" on one side of San Francisco Bay must be equally menacing on the opposite side. Generally speaking, however, the state universities, including Michigan and Illinois, have taken the same position as Washington and California, and for the same reason, whereas the private institutions have been able to ignore the demagogues. But how long will this immunity last, what with the private institutions already announcing that they must soon seek federal aid?

Just as this telltale discrepancy was largely ignored in editorial comment on the Berkeley Crisis, so the press also failed, with rare exceptions, to point out that a special oath of loyalty implies an intention to follow through and to verify the accuracy of the answers given. This implied intention carries with it the threat of a system of espionage by which instructors can be kept under a degree of surveillance to determine whether, subsequent to taking the oath, some of them may have become tainted with heresy. Failure to understand the real implications of this "meaningful ceremony" also accounts for the failure to recognize that loyalty oaths actually feed the fear of Communism and thereby aid the cause of Communists. Phi Beta Kappa, in opposing loyalty oaths, has pointed out that "in institutions where such practices obtain, teachers are being intimidated and . . . students are being led to believe that colleges dare no longer engage in disinterested pursuit of truth but must become instruments of propaganda."[4] For the inference, of course, is that Communist doctrine must be pretty solid and convincing if the free discussion of Communism is to be silenced by legislative fiat or if the presence of a single Communist instructor is not to be tolerated. To force the members of a faculty to abjure Communism as a heresy can hardly fail to discourage even the critical discussion of Communism.

Those who urge loyalty oaths for instructors are placed in the curious position of advocating Communist methods "to defend democracy." While the debate on the loyalty oath was agitating

[4] *N. Y. Times,* June 19, 1949.

the Berkeley campus, C. M. Bowra, warden of Wadham College, Oxford University, sent a cable which read: "Many Oxford teachers are deeply shocked to hear of Soviet methods applied to free American scholars at the University of California. We who look upon America as the home of liberty cannot believe so grave an infringement of academic liberties possible in a society which respects freedom and learning." Clearly a majority of the Regents of the University of California are fellow travelers of Communism for they have advocated a "purge" of ideological deviationists which is, of course, the Communist methods for dealing with heresy. The Regents have, therefore, embarrassed all the friends of America who, with the warden of Wadham College, want to believe that the cause of America is the cause of freedom.

That the loyalty oath mania is invading the area of private enterprise finds illustration in the KFI incident in Los Angeles. On June 9, 1950, Earle C. Anthony, operator of Radio Station KFI and KFI–TV, announced that henceforth all employees would have to sign a loyalty oath disclaiming the Communist Party. Station KFI has about 200 employees. All signed the oath except Mrs. Charlene Aumack, a registered Republican, who denies that she is a Communist. In refusing to sign the statement, she said that she objected to the "infiltration of an insidious totalitarian tactic into democratic life – especially because the order is, in itself, a little thing. . . . Lack of protest by the majority . . . indicates that many people already choose to see no further than today's loaf of bread. It took but a matter of minutes for some of those who disagreed with the order to weigh salary against principle and decide in favor of salary." In opening her reply, Mrs. Aumack stated that she was "not convinced that the use of dictatorial methods is a sane way to combat undesirable ideologies. Dictation is an admission that our democratic system cannot survive by democratic methods." [5] It should be noted, however, that all that Mr. Anthony has done is merely to imitate a policy suggested by President Truman when he signed the loyalty order on March 22, 1947.

[5] *Los Angeles Times*, June 14, 1950.

VI

Imaginary Monsters of Error

> Frame not imaginary monsters of error with whom you may contend. He that makes any man worse than he is, makes himself worse than he.
>
> —BISHOP JOSEPH HALL OF NORWICH

ONCE LIGHTED, the fires of heresy must always be kept burning. In this there is nothing strange since heresy prosecutions always spread like a fever. But there is something strange in the failure to apply the heresy principle with any consistency. For example, the idea of testing trade-union leaders for heresy has found legislative approval in the Taft-Hartley Act; but Congressman George A. Dondero's suggestion that the same principle should be applied to guilds of artists has met with only mild approval. What is needed, apparently, is a manual on heresy, like Sprenger's *Malleus Maleficarum* (*The Witches' Hammer*), first published in 1486, by which our delusions might be fashioned into a more consistent and coherent pattern. Lacking such a manual, we dismiss Dondero's suggestion as a piece of congressional foolishness while approving the same suggestion as applied in another field. Actually there is nothing foolish or illogical about Mr. Dondero's proposal, which was warmly applauded in Congress and may yet win public acceptance.

1. ART AS A WEAPON

Congressman George A. Dondero first discovered "modern art" as a theme for demagoguery in 1947. The State Depart-

ment, it will be recalled, had purchased some 79 paintings by contemporary American artists for $55,000 and had sent the exhibit on a tour through Latin America and Europe. The exhibit was scarcely on its way, however, before the Secretary of State was forced to call off the tour in response to various catcalls and shrieks of protest in Congress. To placate the irate Dondero, and his colleagues, Mr. Marshall ordered army surplus to dispose of the entire exhibit, as junk, for which some $5544.45 was realized by way of salvage.

From this successful foray into a new field of demagoguery, Dondero got the idea that modern art offers great agitational possibilities. Striding to the well of the House on March 11, 1949, he proceeded to deliver the first of a series of speeches on the subject of modern art as a form of the Communist heresy. In this first speech, the Congressman denounced as highly subversive the effort of a group of artists to organize a Gallery-on-Wheels by which works of art were to be exhibited in government hospitals by transporting the paintings to the patients. At one such show – at the Naval Hospital at St. Albans, New York – of 28 well-known contemporary artists who had loaned paintings, so Dondero reported, 17 were mentioned in the famous index prepared by Mr. Dies. That "subversive" artists should "sneakingly" exhibit "propagandistic" works of art to helpless veterans in army and navy hospitals was, of course, tantamount to creating disaffection in the armed services.

The response to this initial tirade must have been extremely gratifying, for on March 25 Dondero delivered an oration on the theme: "Communists Maneuver to Control Art in the United States." If one examines this speech carefully, as well as an oration on "Communism in the Heart of American Art – What to Do About It" (May 17, 1949), and "Modern Art Shackled to Communism" (August 16, 1949), it is readily apparent that Dondero is neither a nitwit nor a buffoon. A cunning craftsman, it must be conceded that he works with a sure hand and a steady eye in the fabrication of paranoid delusions.

For example, the "average American" does not know what

Dondero knows, namely, that the famous Armory Show of 1913 was a "red plot": the first attempt to use art as a weapon for the purpose of firing dumdum bullets at the cultural heritage of the native American. To the "common sense" prejudices of this average native American, the appeal is then made that modern art is wholly lacking in merit; that it cannot survive without subsidies and subventions; and that it necessarily seeks to achieve covert support and hidden patronage. The modern artist, foreign in inspiration, is essentially a racketeer who seeks to wheedle funds out of gullible patrons, including the government, so that he may propagandize at the expense of the average American taxpayer. By this time, of course, the average American taxpayer is getting pretty indignant.

Readily admitting that there are many things about modern art that he does not know, Dondero nevertheless knows enough to know that "dadaism, futurism, constructionism, surrealism, suprematism, cubism, expressionism and abstractionism" are all foreign "isms" representing "weapons of destruction" by which "our priceless cultural heritage" is to be destroyed. As the argument develops, the appeal to prejudice becomes many-sided and highly versatile and ingenious: it becomes an appeal to the dislike of "modernity" in a time of social transition when "old" values appear to be threatened on all sides; to the hatred of the foreigner; to the dislike of the idea, the work of art, or the theory that one cannot understand; to the feeling of resentment that "the eternal dupe" always feels when reminded that he is, indeed, a "sucker," a fool.

In the manipulation of these well-known agitational themes, Dondero demonstrates a real expertness. For example, he makes extremely effective use of the propagandistic trick of listing, like beads on a string, the "enemies" and objects of his hatred. He rolls off long lists of foreign-born "modern artists": Yasuo Kuniyoshi, Japanese-born; Kandinsky, Russian-born; Xavier Gonzalez, Mexican-born, and others, thereby creating the delusion that all modern artists are of foreign birth. This "lumping-together device," a favorite propaganda trick with modern agitators, is intended to blur the distinction between the symbols of the various things,

ideas, and persons which the agitator wants to attack. It is a device by which hatreds are integrated and resentments are fused.[1] As a device of propaganda, not of rhetoric, it has been proved to be immensely effective.

Dondero is equally adept in the use of the Nazi propaganda trick of associating heretics doomed for destruction with loathsome images and contemptible symbols. Thus contemporary art is equated with "smallpox, cancer, and bubonic plague." It is a caricature of art: "abortive, distorted, and repulsive." It is depraved, perverted, and diseased, just as the modern artist is "degenerate." This vocabulary of abuse is all too familiar: it is the language of fascist art criticism. The really "curious, disconcerting and frightening part of the new attack," as Howard Devree has noted, consists precisely in the use of the same terms and phrases which Hitler used to attack modern art. Like the Nazis, also, Dondero makes a studied appeal to parasitophobia by creating imaginary monsters of error to which he gives such names as rats, termites, rodents, insects, bugs, vermin, snakes, and so forth. What the agitator seeks to achieve by this appeal as Messrs. Lowenthal and Guterman have scientifically demonstrated is "to distort and corrupt the very process of the audience's vision and audition. The audience must be conditioned to see the enemy as an animal and to hear the enemy making animal sounds." The violence with which a person eradicates vermin can then "serve as a vicarious rehearsal for the lust to annihilate more substantial enemies." [2]

In his first speech, Dondero suggested how this monstrous evil, this use of modern art as a vehicle for red propaganda, might be remedied. The key to the problem, he suggested, is to be found in the economic insecurity of the modern artist. First off, therefore, a direct frontal attack must be launched against the modern artists, by name, and against modern artists, as a class. The way to launch this attack is to stimulate the latent but potentially aggressive "anti-intellectualism" of the "average native American." As a grass-roots elite, this element can be urged, out of patriotic

[1] *Prophets of Deceit*, p. 61.
[2] *Op. cit.*, p. 58.

motives, to conduct a thorough "house-cleaning" of loathsome foreign isms and these dirty, ratlike modern artists. By denouncing the modern artist and associating his name with loathsome symbols, the larger public can also be induced to boycott modern art.

Then the big propaganda guns are trained on the independent exhibitors, the museums, the art galleries. For example, Dondero singled out for attack such institutions as the Museum of Modern Art, the Art Institute of Chicago, the Fogg Museum, the ACA (American Contemporary Art Gallery), and, most viciously, Artists Equity Association. To make this attack entirely meaningful and perfectly explicit, certain art directors and museum executives were mentioned by name. To attack an institution for the crime of having exhibited the works of a certain modern artist is to imply, of course, that the removal of these works would purge the crime. To attack certain art directors by name, and on the same ground, is also to suggest that the removal of these directors would wipe out the offense. Also singled out for attack were the art critics of most of the New York newspapers because, at various times, these critics have spoken favorably of modern art or praised certain of the artists that Dondero has denounced as Communists. The newspapers and art journals, Dondero was horrified to discover, did not apply "directional supervision" to their art critics. He was justifiably indignant with the *New York World-Telegram*, that stoutly "anti-Communist" publication, for its laxity in this regard.

Then, just to complete the circle, Dondero demanded that the various art associations should throw out, "head over heels," those members who were Communists or Communist sympathizers. Again, and just to make his point clear, he called upon certain associations by name to undertake this "noble" task, mentioning, among others, the National Academy of Design, the American Artists Professional League, the Allied Artists of America, the Illustrators Society, and the American Watercolor Society. Like an inquisitor of the Middle Ages calling upon a village to surrender up its heretics or face destruction, so Dondero insisted that these associations should purge their membership lists of reds

or be branded as heretical. The danger we face, he said, is largely due to the fact that the "hard-working, talented, reserved, patriotic proponents of academic art" have hesitated to undertake a house-cleaning of this sort. Let these right-thinking hard-working native Americans "organize themselves and fight these traducers of our American inheritance *with their own weapons if need be*." (Emphasis added.)

To these attacks, the artists, exhibitors, and art critics replied with far more spirit and solidarity than the educators had shown when singled out for similar treatment. Congressmen Jacob K. Javits of New York and Charles A. Plumley of Vermont made good speeches in reply to those by Dondero, and the press, in general, was not too enthusiastic about the attack on modern art as a form of Communist propaganda. But even so there were casualties: a number of exhibitors returned paintings which had been submitted by artists who had been named by Dondero; a number of members resigned from Artists Equity; one artist lost a commission to do a mural; and another, a National Academician, was summarily expelled from a conservative artists' club. In addition, Emily Genauer, who had served as art critic of the *New York World-Telegram* for seventeen years, was relieved of her duties shortly after Dondero had singled her out for attack. Fortunately she was promptly employed by the *Herald Tribune* to do an art column. By and large, however, the artists and art critics were quite pleased with themselves for having been able to ward off the attack with only minor casualties. But the damage was more serious than they realized.

2. "*BY THEIR OWN WEAPONS IF NEED BE*"

Before assessing the damage, it is necessary to glance at the ideological dispute: the debate of words and ideas. Dondero had fashioned his argument somewhat as follows: the Communists, who believe that art is a weapon, consciously use art as a means by which "our" values are assaulted; therefore, "we" are justified in using "their" weapons against them. If Lysenko exiles geneti-

cists who disagree with him, Oregon State College is justified in exiling Dr. Ralph Spitzer. If Kemenev, Stalin's art critic, calls modern art "hideous and revolting," and expels modern artists from Soviet guilds and unions, then we are quite justified in the use of similar methods.

To the bulletlike simplicity of this argument, the contra-Dondero spokesmen replied that art is not a weapon. Besides, they argued, it is absurd to abuse modern abstract art in America when "socialist realism" and "national academicism" are about the only art forms permitted under the Russian regime.[3] By inference this argument implies that Kandinsky, Braque, Ernst, Miro, Seligman, and Dali, being *persona non grata* in Moscow, should be automatically certified as "politically reliable" in New York. Howard Devree, art editor of the *New York Times*, in developing a similarly oblique counteroffensive, pointed out that the modern artists attacked by Dondero are detested by the Soviet art disciplinarians and that some of the isms which Dondero associates with Communism were in existence long before the October Revolution. He also objected because Dondero had used the word "Communist" too loosely. By inference, therefore, the use of the term would be justified if accurately applied. By their very obliqueness, these replies failed to answer Dondero. By demonstrating that Dondero is a fool, his critics mistakenly concluded that they had won an argument.

While Dondero may have intended that his argument should be taken literally, the attack had a secret psychological meaning. It was couched, perhaps unintentionally, in what Messrs. Lowenthal and Guterman have called the Morse code of the modern agitator, which is a kind of political sign language. That the attack contained many fallacies does not mean that it failed of its purpose, which was to arouse hatred. Dondero was not trying to convince Weldon Kees or Howard Devree; he was seeking to aggravate a feeling of injury, of alienation, of resentment, of social malaise, on the part of the thousands of social outcasts who make up his audience. His speeches attacking the "human termites" in modern art brought forth, so he states, a warm and

[3] "Dondero and Dada" by Weldon Kees, the *Nation*, October 1, 1949.

flattering response from the public, nor is there any reason to question this statement.

The social malaise to which Dondero appeals is, as the authors of *Prophets of Deceit* have pointed out, rather like a skin disease. If the victim were to consult a doctor, the doctor would tell him to stop scratching his skin and would then proceed to isolate the cause of the irritation. But the agitator, who is a quack, urges the victim to keep scratching; the harder the better. The agitator has no real desire "to cure" the patient; he merely wants to sell a patent medicine. It is absurd, therefore, to believe that Dondero was "answered" by the art critics. The practical political question is not who won the argument, measured by objective intellectual standards; but what effect did Dondero's attack have, as propaganda, upon the elements to whom, if it was not addressed, it would normally appeal? The applause of this audience was not heard by the critics but it doubtless was sweet music to Dondero.

There is, moreover, an inescapable logic to the Dondero attack – for those who accept the heresy principle. When he appeals for "directional supervision" of art critics, he is doing no more than urging upon newspapers and magazines the policy the motion picture industry officially adopted in response to the dictates of the House Committee on Un-American Activities. When he urges the "loyal, patriotic, clean-minded, right-thinking artists" to clean house and purge their establishment of "this social disease," he is doing no more than advocating the extension of the principle of the non-Communist affidavit, embodied in the Taft-Hartley Act, to artists' guilds and unions. In short, he is simply arguing, and with obvious consistency, the logical extension of President Truman's loyalty program to the arts. In urging a purge of Communists and reds from the art associations, he is merely advocating a policy which the National Education Association has approved for American educators with the added endorsement of the American press. If a Communist should not teach, then why should a Communist artist be permitted to exhibit? It is no answer to this question to engage in the familiar and tiresome prattle about "tender, unformed minds" and the susceptibility of college students to propaganda. A painting with a

Communist theme is clearly a form of propaganda which can influence "tender, unformed" minds.

By a painful irony, the very newspapers that criticized Dondero for advocating a non-Communist policy for the guilds and unions of artists had previously approved the same policy for American teachers and educators. Indeed Dondero has managed to get a good stout half nelson on his opponents and they will yet feel the pressure of his argument if the present heresy hunt continues. In effect these opponents lost the ideological dispute when they failed to advance the one argument that would have trumped Dondero's demagoguery. They should have said — and it is quite easy to say — that the civil rights of a witch are precisely the same as the civil rights of an art critic or a Congressman from Michigan.

The irony of this strange spectacle in which an attack on *certain* forms of heresy is denounced while the concept of heresy itself is approved becomes even more painful when one realizes that Dondero merely echoed, in a crude form, what a number of highly respected and widely influential American artists and art critics have said about modern art. Indeed one cannot escape the conclusion that Dondero received some expert coaching from these anonymous inquisitors. In any case, he was not expressing a personal eccentricity in launching this attack; on the contrary, he was giving expression to a pronounced trend in modern thought. One might mention many names but one will suffice. Dondero himself quoted with approval the charge of Thomas Hart Benton, "the foremost art critic in the United States," that "many . . . effeminate elect . . . blanket our museums of art from Maine to California." The notion, therefore, that Dondero is a "crackpot" is obviously ridiculous. What has the Right Honorable Winston Churchill, *Time's* Man of the Half-Century, had to say about modern art? And, to bring the issue closer to home, who has forgotten President Truman's informal tirade on the same subject? Dondero is no crackpot; whether he knows it or not, he is the Kemenev of Michigan, so like his opposite number as to be a twin. By referring to modern art as "degenerate," he is not denouncing Communism; he is, on the contrary, calling, by

the clearest implication, for the direct censorship and outright suppression of modern art.

Dondero's critics also missed the real edge of his attack when they failed to relate what he said, his threats and his menacing assaults, to the economic insecurity of the artist in America. In replying to Dondero, Congressman Charles A. Plumley quoted from a report which Elizabeth McCausland had prepared for the *Magazine of Art*.[4] Miss McCausland had sent out 500 questionnaires to that number of American artists and about 40 per cent had replied. Of these, 44 per cent stated that they depended largely or entirely on incomes from sources other than art. With an average of four years devoted to art education and twenty years to their profession, their average total income for 1944 was $4144, but their average art income was $548! With scarcely an exception, these artists had been forced to seek "outside" work: 42 per cent of the painters and 53 per cent of the sculptors taught; 32 per cent of the painters and 6 per cent of the sculptors did commercial art; and only 2 per cent of the painters and 3 per cent of the sculptors had an independent income. Other jobs performed by these American artists — and the list was quite representative — were: picture framing, apartment house management, beauty shop management, museum work, printing, and so forth. "I quote these figures," said Mr. Plumley, "to indicate the economic pressure under which our artists work, all of which means that they must devote creative time and energies to non-creative jobs."

But these same figures have still another meaning for they indicate, with appalling brevity, how perilous is the "freedom" of the artist in our society. We would never tolerate an official Kemenev nor would we sanction "directional supervision" of art criticism, for the tradition of individual freedom is too strong with us. But the failure to construe Dondero's attack in the light of these figures indicates the existence of a faulty social perception. Somehow we fail to "see" the invisible dollar censorship which fetters the American artist. Dollar censorship is less objectionable and surely less brutal than censorship by commissars; nevertheless

[4] "Why Can't America Afford Art?" January 1946.

censorship by pressure can be deadly for the weight of the pressure is distributed with impartial precision upon every aspect of the life of the artist. The pressure, moreover, is constant. Indeed it is almost as difficult to escape from this pressure as from a concentration camp.

The failure to see this reflects the fact that our tradition has always placed the emphasis on individual rather than on social freedoms. Social freedoms, in a way, are much more difficult to protect than individual freedoms. The individual is the guardian of his own freedom, for which, it is presumed, he will put up a fight if necessary. But if social freedoms are to be protected, social groups must be held responsible for their protection and, at the same time, they must be given certain assured freedoms to discharge this function. Teachers must defend academic freedom; scientists must defend freedom of scientific inquiry; radio commentators must protect the impartial treatment of the news; lawyers must defend freedom of advocacy; and artists must defend freedom of cultural expression. Basic to this strategy, the public must understand the importance of these freedoms without which the freedom of the individual becomes more and more of an illusion.

It may be possible to audit the extent to which individual civil rights are protected by tabulating the violations of individual civil rights; but social freedoms cannot be audited in this manner. Freedom of the press, for example, is not secure merely because left wing groups are permitted to publish newspapers and periodicals; the real measure of the freedom is to be found in the content of what appears in the large mass publications. The measure of freedom of speech is not the fact that radicals are still permitted to make speeches; the real measure is to be found in the long list of speakers who are never permitted to speak before certain audiences. The denial of social freedoms, in short, is measured by the extent to which the public, or some particular public, is indirectly denied access to information and forms of expression which it must have if it is to voice a real consent, if it is to be truly self-governing.

Thus the measure of Dondero's demagoguery is not to be found

in the fact that some injustices resulted to individual artists. The real measure would be this: to what extent have artists, as a result of his attack, turned away from certain modes of expression and certain themes and subjects? To what extent, for the same reason, have galleries and museums been inclined to impose a self-censorship upon their selection of works to exhibit and to recommend for purchase? To what extent have museum directors and art critics been induced to praise one group of artists and criticize another solely or largely because of ideological considerations? To what extent has the public been induced to shun certain artists and to prefer others, without regard to the merit of their work? To what extent has the economic position of the modern artists been further undermined by reason of this attack? To what extent, finally, has art been "co-ordinated" to political considerations — that is, to what extent has it ceased to be free expression and become the partisan expression of a specific ideology? To whatever extent this has happened, the people have been denied a social freedom which is indispensable to their growth, their understanding, their development, in short, to their freedom. And, in these and other related aspects, the social freedom of art can be curtailed by a cleverly directed attack which may not, for the time being, result in any individual casualties. If one keeps looking for individual violations of civil rights, one cannot "see" the larger denial of social freedom.

Artists have been given freedom not merely because self-expression is fun or the creative life a pleasure; they have been given their freedom so that others may in time become free. Art is a form of social guidance, a means by which "reality" is understood, and it is an important aid to perception and self-knowledge. The public is injured when freedom of artistic expression — which is not specifically safeguarded by the Bill of Rights — is denied. Mere freedom to express one's self, which is guaranteed, is hardly the measure of real artistic freedom. The artist needs a gallery, a museum; the writer needs access to an audience; the playwright to a theater; the musician to a symphony orchestra. This is not to say that society must guarantee each artist access to these facilities, regardless of the merit of his work; but it is to say that none

shall be denied access to these facilities solely because of his political beliefs. And the reason for this principle is perfectly clear: before we act, in any social situation, we take stock of ourselves, we look inward, and what we see determines, to some extent, how we act. True, the artist expresses "himself" but, in doing so, what he expresses "is a reflection of our culture, limited or distorted by the size and quality of the mirror that is the artist." [5] If the artist reflects, in this mirror, not what *he* sees, but what he is *told to see*, society is to that extent the captive of the same forces which have made a captive of the artist. Therefore society insists that the artist must be free so that his freedom may be an aid to a larger social freedom.

3. THE DEVIL AS AGITATOR

By asserting that he would destroy heretics "with their own weapons if need be," Dondero has confessed his moral involvement in the ideology of the Inquisition. Like the Inquisitors, too, he is playing a dangerous game. For it is always a mistake, as the wise Bishop of Norwich pointed out several centuries ago, to frame imaginary monsters of error with whom to contend. When men see a distorted image of themselves in the mirror of other men's minds, they have been known to act like monsters, and worse. Indeed this is why the agitator is but one of many guises by which the Devil has returned to the earth, in these equinoctial times, to set man against man by lighting once again the ancient and never fully extinguished fires of persecution.

The modern agitator is a prestidigitator, a necromancer, a sociological medicine man. He is a wizard who brews, out of a strange assortment of herbs, bones, rags, hair, and bits of dung, the poison which induces those who drink it to act out, on the stage of history, their paranoid delusions and fantasies. The agitator is the Devil of our times, but it must be admitted that he is a strange and clever devil. For he appears in the guise of a clown,

[5] "Freedom in the Arts," *Annals of the American Academy of Political and Social Science*, November 1938, p. 96.

a house painter, a political jester and oratorical buffoon. Since his nostrums are fantastic and he himself is so clearly a fool, his disguise is nearly perfect; no one will believe that this is really the Devil. But the agitator is full of satanic lore of a kind which, once thoroughly understood and properly feared, has long since been forgotten. For example, the agitator knows something which is unknown to those that he intends to use to achieve his purposes. He knows that the world is sick and that he has a medicine for this sickness.

In a paranoid age, the Devil-as-Agitator can work miracles, for his favorite, and in a sense his secret, weapons are confusion, delusion, and dissension. His words are feverish and reflect delusion; but his audience is made up of people whose cheeks are flushed with the fever of resentment and whose minds are inflamed with delusions of persecution. Just as we tend to confuse the image of freedom with a reality which often negates it, so we dismiss the modern Satan as a crackpot because he sounds foolish. We say that he is not to be taken seriously; that he is "crazy"; that he "doesn't talk sense." All this, of course, is quite obvious. But his crazy word patterns reflect an image of reality to minds suffering from delusion. Such minds, as history has shown on occasion, can become subject to demonic possession.

About demonic possession there has never really been much mystery. In periods of great social transition, some minds become subject to demonic possession because the reality they know is so horrible as to constitute a form of "illusion," a grotesque distortion of the same reality as seen by others from the outside. The real power of the Devil, who is an agitator, consists in the fact that his suggestions are supported by a basic social reality. Not seeing this reality, we dismiss the agitator as a charlatan and ignore the meaning of his words. The Devil, of course, is always a charlatan. He appears in many guises; he claims a wisdom he does not possess; he lures his victims to destruction by promises which reflect their frustrations and desires. The Devil, indeed, is the Great Quack; but people must be sick before they will listen to a quack. Knowing of their sickness, the Devil speaks to them in a language which reflects their distorted perception of reality.

Their self-deception is his secret weapon. It is this secret knowledge which enables him to wield such irrational and despotic power, at certain periods, over the sick and the afflicted, the dispossessed and the resentful.

In his great manual for Inquisitors, James Sprenger defined three methods by which the Devil, through witches, entices the innocent to the horrid increase of both witches and heretics. The first is "through weariness," that is, through inflicting grievous losses in temporal possessions on the innocent; the second is to seduce the young by working on their carnal desires and by appealing to their frustrations; the third is the "way of sadness and poverty." For Sprenger recognized in 1486 what we have apparently forgotten in 1950, namely, that the Devil knows how to appeal to the scorned, the disappointed, the outcast. Powerful as the Devil is, he must have something to work on; there must always be some basis for his agitation. When this basis is lacking, he disappears from the world; but, with the equinox, he always returns. The Devil's secret is simply that he knows that those who suffer from delusion are incapable of distinguishing fact from fantasy and that they tend to project their inner fears upon other persons, thereby creating imaginary monsters of error. To those suffering from delusion, therefore, his words are as a crystal ball in which they see a perfect reflection of their hopes and fears, in which their "enemies" are clearly identified, and the "conspiracies" which threaten their security are lucidly defined. The Devil-as-Agitator invariably reappears with the Heretic and he uses the Heretic as his foil. For the Heretic is always mistaken for the Devil, who cleverly masquerades as a fool. The Heretic is only a symptom that the times are "out of joint"; but the Devil is a symbolization of the principle that evil is social in origin. The failure to understand that it is the Devil, not the Heretic, who is the real architect of social disaster is one of the major delusions of our time.

BOOK TWO

Witchcraft in Washington

Wars begin in the minds of men, and it is in the minds of men that the defense of peace must be constructed.

—From Preamble, UNESCO Charter

VII

Bury the Facts

> While we are trained to recognize private delusions, we tend to assume that everything which is public must be real.
>
> — EDMOND TAYLOR in *Richer by Asia*

THE REGENTS of the University of Washington performed a neat trick in public relations in presenting their decision to the public. The omission of the facts and circumstances out of which the case of the six professors had arisen had the natural effect of focusing public attention on a purely abstract issue, the answer to which was predetermined by the wording of the question. Few cases of academic freedom have aroused greater interest but the resulting discussion has necessarily resembled that of a group of persons, all victims of a common delusion, discussing their irrational symptoms. Private delusions, of course, represent attempts to create imaginary situations in which psychotic symptoms appear rational and acceptable; but the same mechanism can also appear in "public" delusions. When a major social issue is discussed minus the reality which alone gives it meaning, the discussion is certain to contain elements of delusion. One can no more understand the University of Washington case merely by reading the official documents than one can understand the Civil War by reading the Dred Scott decision. In presenting the official record, the Regents threw away the kernel of meaning and presented the public with a shell of abstraction. All they omitted were the facts, the social reality, the vital substance of the case.[1]

[1] See *Communism and Academic Freedom*, University of Washington Press, 1949.

1. HOW PUBLIC DELUSIONS ARE CREATED

The University of Washington case has, of course, a specific political background. It is perhaps not without significance that the most important academic freedom case of our time should have arisen in the state where the first effective popular front was formed in 1936. Not only was the Washington Commonwealth Federation the first effective popular front but the coalition it represented dominated Washington politics for over a decade. "Forty-seven states and the Soviet of Washington," used to be Jim Farley's familiar lament. With a background of Populism and Progressivism, of labor radicalism and utopian socialism, Washington has always been "explosive, articulate, intractable" (the phrase is John Gunther's). The key event in the state's tumultuous political history is the general strike of February 6, 1919—the first effective general strike in this country.[2] I have seen some intransigent radicals in my life but those of Seattle are a special case. Indeed the liberal-labor-radical movement of the state always operated under a full head of steam and this rambunctiousness naturally found reflection, at a fairly early date, in a corresponding boldness in the traditional liberalism of the university.

One item in the immediate political background, however, has a special relevance to the case of the six professors: a pungent intra-left congressional campaign in 1946 in which Hugh DeLacy, with the backing of the Communists, defeated Howard Costigan, one of the founders of the WCF, for the Democratic nomination, only to be defeated in the general election. Out of this campaign a bitter and disastrous split in the liberal-labor-radical-pension coalition emerged which paralleled a similar split in California the same year. After the 1946 election, Seattle harbored any number of embittered "ex-Communists," some of whom had thoroughly well-founded personal reasons for their bitterness and all of whom, as everyone knew, were ready "to talk" if a proper

[2] See *History of the American Working Class* by Anthony Bimba, 1927, p. 278.

forum could be provided. Since the potential witnesses were widely known left-wingers, any testimony they might give would be particularly effective anti-Communist propaganda. Up to this time, Washington had been successful in staving off various attempts to create an un-American tribunal of the kind which had flourished in California since 1940. With the final dissolution of the popular front coalition, Washington was suddenly ripe for the un-American treatment. For un-American investigations generally appear in the trough of a liberal wave that has reached its crest and broken. Almost by definition, un-American investigations are post-mortems or inquests and are, therefore, essentially anticlimactic.

The 1946 election was marked in Washington, as elsewhere, by a swing to the right and the new legislature promptly authorized, among its first acts, the creation of a committee on un-American activities under the chairmanship of Albert F. Canwell. The committee was closely patterned after the Tenney Committee of California. At the same session, some $25,000,000 was appropriated for a sorely needed medical school at the University of Washington. Perhaps because of this, the Regents selected a new president in 1946—Dr. Raymond B. Allen. Dr. Allen had previously served as dean and president of several medical schools but lacked general administrative experience and, as events were to prove, was a novice in the type of politics practiced in Washington. Canwell was formerly a deputy sheriff in conservative Spokane, where he had served as chief of the "identification bureau," and his election to the legislature in 1946 represented his first major venture in politics. The degree of his political sophistication may be measured by the following excerpt from a campaign speech: "If someone insists there is discrimination against Negroes in this country, or that there is inequality of wealth, there is every reason to believe that person is a Communist."

From January 27 to February 5, 1948, the Canwell Committee devoted the first of its public hearings to an investigation of the Washington Old Age Pension Union—a relic of the former popular front. The first report of the committee, entirely devoted

to the W.O.A.P.U., is a most remarkable document in that the pension union is not described nor is its program discussed nor are its activities analyzed. The hearings took the form of an attempt to demonstrate that certain individuals, identified as Communists, had infiltrated the pension movement and acquired control of the W.O.A.P.U. But about the only conclusion to be drawn from the testimony is that the power and influence of the W.O.A.P.U. rapidly declined once the Communists were supposed to have acquired control; in short, that the investigation was anticlimactic.

By the time this spectacularly inefficient investigation was concluded, the 1948 political season was far advanced and the committee was naturally anxious to find a sensational subject of inquiry. And so from July 19 to the 23rd, 1948, the committee held open public hearings in the 146th Field Artillery Armory in Seattle; the subject, Communist infiltration at the University of Washington. At this time, there were about 700 full-time members of the faculty and a total teaching personnel of around 1400. The Canwell Committee, however, actually investigated ten alleged Communists. That intensive preliminary investigation should have turned up only ten suspects out of 700 for investigation would indicate that the investigation was patently absurd; but there is other evidence to support this conclusion.

The high-water mark of antifascism on American campuses, as in other phases of American life, was reached in the period from 1935 to 1938. Even prior to the Nazi-Soviet Pact of 1939, a reaction had set in which was symbolized by the formation of the Dies Committee in 1938. During the war years, political divisions of all kinds were naturally minimized. But with the death of President Roosevelt in April 1945, the red-baiting of the Dies Committee was resumed on a bolder scale than ever and, as part of this campaign, colleges and universities came directly within the line of fire for the first time. Many college presidents promptly took the necessary precautionary measures, that is, they made speeches blasting the reds and announced that Communists would not be employed. The influence of radicals, of whatever political coloring, had clearly begun to ebb as early as 1938; hence an

investigation of Communist infiltration at the University of Washington in 1948 was like an investigation of prohibition ten years after repeal.

Dr. J. H. Hildebrand of the University of California, who believes that Communists should not be permitted to teach in American universities, points up the real situation in these words: "We have not feared any serious influence by Communist professors upon our institutions of learning because we have known that, contrary to extravagant statements in the yellow press, the colleges and universities are not 'hotbeds of Communism.' *Communist professors are in reality an almost vanishing minority.*" [3] (Emphasis added.) A similar admission has been made by Dr. T. V. Smith of Syracuse University, who, as a Congressman from Illinois, voted in January 1940 to continue the Dies Committee and who, in reporting the University of Washington case for the *New York Herald Tribune*, strongly defended the action of the Regents. "It is not a matter of fear, any immediate fear of Communism; we need not be afraid of a handful of Communists in colleges." [4] There cannot be the slightest doubt that the Canwell Committee investigation set in motion the process which led to the filing of charges against six members of the faculty on September 8, 1948. For example, Lawrence E. Davies in a dispatch to the *New York Times* reported: "University leaders take the position . . . that once the legislature had embarked upon its investigation of campus conditions the university, as a state-supported institution, had no alternative than to submit to investigation and welcome 'findings of fact.' . . . There is no denying that had the university pioneered in an inquiry to weed known Communists or 'Communist front' adherents from its faculty, it would have drawn upon itself the charge of witch-hunting." [5] Yet, in his foreword to the official report, President Allen writes that ". . . contrary to fairly widespread impressions, there is no connection between the proceedings of this committee [referring to the faculty trial committee] and the hearings conducted in the

[3] *Pacific Spectator*, spring 1949, p. 166.
[4] *American Scholar*, summer 1949, p. 344.
[5] February 10, 1949.

summer of 1948 by the Joint Legislative Fact-Finding Committee on Un-American Activities unofficially known as the Canwell Committee. The two proceedings were entirely separate and distinct with the single qualification that certain events occurring during the Canwell hearing are made the basis of some of the charges filed in this proceeding." [6]

In the light of what actually happened, this is tantamount to saying that the *only* connection between the Canwell hearings and the charges filed against the professors is that the former led to the latter! It is too clear for words that the university would never have taken action against the professors had the administration not felt that it was "under the gun" of the Canwell Committee. A fear of Canwell, not a fear of Communism, set the inquisitorial process in motion. Obviously, therefore, the transcript of the Canwell hearings must be regarded as part of the official proceedings: the "preliminary hearing" or "grand jury investigation" out of which the subsequent prosecution arose. Yet this vital part of the record was entirely omitted not only from the official report but from the semiofficial reporting of Dorothy Thompson, T. V. Smith, Raymond Moley, and many other columnists and commentators who praised the "fairness" of the ouster proceedings. Before anyone becomes too lyrical in praise of the "fairness" of this heresy trial, it might be worth while to see what actually took place before the Canwell Committee.

2. *WITCHCRAFT IN WASHINGTON*

> Freedom and truth must be sought in the world we live in, not in a vacuum.
>
> — DR. HELEN M. LYND

The second report of the Canwell Committee, consisting of 385 pages of fine print, is entirely devoted to the turbulent hearings on Communism at the University of Washington. No one should be permitted to qualify as an expert on this case who has not first read this incredible document. The Canwell hearings,

[6] Official Report, p. 24.

moreover, raise the *real* issue of the ouster proceedings. To permit this hearing to be charitably forgotten — to conceal the crude and brutal character of the investigation behind mountains of rhetoric devoted to an abstract issue — is to be guilty of a form of intellectual quackery or pettifogging. Yet this is what happened: the real case was artfully pushed into the background and the abstract issue was skillfully moved forward until it completely monopolized the public's attention. To get at the real issues, therefore, one must cut back to the facts.

The principal fact about the Canwell hearings is that the atmosphere was so thick with paranoid delusions that even the victims, as usually happens in witchcraft prosecutions, became confused. "Hissing factionists with ardent eyes" were permitted to pour thousands of angry, absurd words into the record while the committee members sat nodding their heads like so many sage owls. Such well-paid professional experts on the Communist heresy as George Hewitt (later charged with perjury) and Howard Rushmore, the ex-Communist who functions as a specialist on Communism for the Hearst press, were allowed a freedom of denunciation which is probably unique in the record of un-American investigations.

The very savageness of the denunciation immediately created — as always happens in witchcraft trials — the delusion that some direct link or relationship existed between the witnesses and their victims. Why, for example, should these angrily aggrieved witnesses display such morbid eagerness to injure professors Eby, Ethel, and Jacobs, all of whom, like the witnesses themselves, were *former* members of the Communist Party? It is, indeed, a painful experience to read the testimony of Nat Honig, a witness who had good reason to dislike the Seattle functionaries of the Communist Party but who permitted this dislike to be exploited in a manner that worked against other persons precisely the same injustice of which he complained. The key to this hate-ridden atmosphere — which is oppressive even in the reading — is to be found in Edmond Taylor's observation that ". . . hating with cause leads to the same mental results as the causeless feeling of being hated. . . . The difference between the professional

paranoid and the clinical one is simply that the former's social behavior ends by distorting his thinking, whereas the latter's distorted thinking is the source of his social, or anti-social, behavior." [7]

Throughout the hearing, the professors were browbeaten and incessantly rebuked by the chairman and by counsel "for making speeches," although the longest answers any of them gave were mere fragments by comparison with the pages given over to the outpourings of Rushmore, who regaled the committee with "inside" stories about the assassination of Leon Trotsky and similar items. In this fog of delusion, the professors spoke vaguely of "a right of silence" and then again of "a right of free speech." The truth is that neither the defense nor the prosecution had the most remote notion of what subject was really under investigation. A more chaotic and jumbled record it would be difficult to imagine.

The record, however, does have its fine moments. As in the passage where Dr. Garland Ethel, who admitted former membership in the Communist Party but resolutely refused to name any of his former associates in the party, told the committee: "My own particular honor forbids that kind of naming persons to their possible injury, but most of all it's a question of living up to my own standard of conduct . . . I have a standard of honor, and that standard is not to name other persons, and I told you that would be my position. That is my position, sir." [8] Or, again, when Dr. Harold Eby testified: "I find that I couldn't face myself and live any more, if I were to name people that are my friends and associates, who as far as I know are honorable and loyal; and so inevitably this question is coming up, it might as well come up now, and I cannot name anybody." [9]

Dr. Melvin Rader, for eighteen years a member of the faculty, was not even accused of being a Communist. Yet here is a sample of the manner in which he was questioned by the chief counsel for the committee:

[7] *Richer by Asia*, 1947, p. 75.
[8] Second Report of Canwell Committee, p. 133.
[9] *Ibid.*, p. 203.

Q. Do you believe in the form of government that exists in the United States of America?
A. I certainly believe, sir, in the Constitution of the United States and the Bill of Rights and the government set up under that Constitution, as it would be interpreted, for example, by the Supreme Court.
Q. Do you believe in our system of society, a capitalistic economic system?
A. I believe that there ought to be enough improvement in our economic system so that we could avoid very great depressions and a certain amount of unnecessary poverty, and therefore I can't say that I believe in every feature and aspect of our present economic system.
Q. Do you believe in the capitalist system?
A. I think I can best answer that question by saying my general point of view about these economic matters corresponds very closely — very closely indeed — to the point of view set forth in the reports and recommendations of National Resources Planning Board . . .
Q. I am not asking you what they think, I am asking you what you think. . . . Do you believe in the capitalist form of government as it exists in the United States of America today?

Among the witnesses summoned by the committee was a Seattle private detective who had joined the Communist Party so that he might ferret out the reds on the faculty. The university officials could see nothing dangerous in the practice of using private detectives to spy on the political activities of professors. Among the affidavits received was one by a neighbor of Dr. H. J. Phillips, who told of having peeked through a window of the basement in Phillips's home and of having seen there, on an inner wall, a framed photograph of Joseph Stalin. A student who had visited an off-campus home in which other students, boys and girls, were living, some of whom belonged to American Youth for Democracy, gave an affidavit with the breathless recital: "Both men and women occupants were having breakfast, and seemingly a good time. They were all dressed in their pajamas and appeared

quite relaxed with each other."[10] One of the professional "anti-Communist" witnesses, a Negro, felt compelled to rebuke still another friendly witness who, in the course of his testimony, had used the word "nigger."[11] This witness was then recalled to the stand where he obligingly testified that some of his best friends were Negroes!

All this, and pages more of the same, would be irrelevant were it not for the fact that those who believe that Communists should not be permitted to teach in American universities must face a number of unpleasant realities. If Communists are to be ousted, then Communists should not be employed. The screening of all applicants and present employees then becomes a necessity. But since a general "loyalty" oath will not suffice — all Communists being presumed to be liars — an investigation is next in order. Hence it becomes entirely proper for a university to cooperate with such agencies as the Canwell Committee, nor can the university be too squeamish about the use of informers, private detectives, "former members," malicious neighbors, neurotic students, and other curious witnesses. But since such an admission would be embarrassing, it is much pleasanter to talk about "the tireless quest for truth" and similar matters.

3. WHERE WITCHES ARE PREVALENT

Three days before the Canwell Committee Hearings opened, a department head, who was under subpoena, was summoned to an off-the-record session with the committee and its staff. For over an hour this professor was grilled in a manner, to use his own words, that "closely resembled" the third degree. The particular professor was not even listed as a suspect; he was merely a witness. Yet he was told by Mr. Canwell that the committee had "irrefutable proof" of his membership in the Communist Party. He was also told that the Navy, in which he had served during the war (he held a reserve officer's commission), was out

[10] Second Report of Canwell Committee, p. 239.
[11] *Ibid.*, p. 228.

"to get" him. The suggestion was made that if he failed to "cooperate" with the committee, he might forfeit his job and find it very difficult to secure other employment. When he steadfastly denied every accusation, he was called a "dupe" and told that one could be a member of the Communist Party without being aware of the fact!

In preparation for the hearings, the committee called in any number of faculty members for private grillings of this character. Great pressure was exerted, in all these interviews, to force the witnesses to inform on their colleagues. In each case, the inference was clear that if the person interviewed were to turn informer, he could escape unharmed. Shown lists of "suspects," witnesses were asked to identify those who were reds *by reputation.* They were also grilled about their own political activities ranging back over a period of a decade or more, including petitions signed, meetings attended, speeches made, organizations sponsored, and, of course, affiliation with such dangerous red outfits as the American Civil Liberties Union. Similarly students were called in, interviewed, and asked to inform on their instructors — always a tempting offer to a certain type of student — and agents were sent into classrooms to eavesdrop on certain professors. Yet this, too, is all part of a hearing which the American press, with rare exceptions, praised for its "fairness" and respect for "due process."

The university, of course, is not responsible for the methods used by the Canwell Committee. Unfortunately, however, the Regents had said that they "welcomed" an investigation by such a "responsible" body as the Canwell Committee. At the conclusion of the hearings, President Allen had said: "I do not feel that the investigation . . . constitutes any abridgement of academic freedom or civil rights." He then went on to thank the Committee for its "unfailing courtesy" and to praise it for its "integrity." In a handbill used in Canwell's unsuccessful re-election campaign, President Allen was quoted as endorsing the work of the Canwell Committee along with a similar endorsement from the President of the Board of Regents.

The University of Washington case provides an excellent illus-

tration of what happens when, as Dr. Helen M. Lynd has pointed out, "a University sets out to achieve academic freedom by getting rid of Communists." The abstract question "Should Communists Be Permitted to Teach?" seems to call for a simple answer, yes or no. But there is nothing about the question which suggests that the university might have to pay an exorbitant price for their ouster. Here is an estimate of the price that the University of Washington paid for the ouster of two Communists, made by a hundred members of the faculty:

> We believe . . . that the action taken has already done serious damage to the University and to the cause of education. The reputation of the University as a center of free inquiry has declined; the *esprit de corps* that gives confidence and character to any institution has deteriorated; and the University of Washington has invited education to join it in a retreat from freedom which is democracy's best defense against totalitarian communism.

Part of the cost, also, was a tolerance of perjury. At the Canwell hearings, George Hewitt, one of the professional anti-Communist witnesses, swore that Dr. Melvin Rader once attended a Communist Party school at Kingston, New York. Dr. Rader immediately entered a categorical denial and offered strong corroborative proof. In fact, Dr. Rader's denial was so convincing that the prosecuting attorney was compelled to issue a warrant for Hewitt's arrest on a charge of perjury. The warrant could not be served, however, since the Canwell Committee had hurriedly spirited Hewitt out of Seattle, by plane, on the day following his appearance as a witness. Later, however, he repeated his charges against Dr. Rader, in a long-distance conversation with the district attorney.

Extraordinary pressure was immediately brought to bear on Mr. Charles O. Carroll, the district attorney, to force him to dismiss the perjury complaint. Two inspectors of the U. S. Immigration Service informed him that the Department of Justice wanted the charges against Hewitt dismissed since Hewitt was scheduled to appear as an important witness in several pending

anti-Communist prosecutions. Then Carroll was visited by Fred Niendorff of the *Post-Intelligencer*, who claimed, and not without reason, to be the "father" of the Canwell Committee. Niendorff, too, demanded that the complaint be dismissed. The Canwell Committee was then seeking a new appropriation from the legislature and Hewitt's conviction of perjury, he explained, might jeopardize this request. Still later the unlucky Carroll was summoned to a meeting in the office of Edward T. Stone, managing editor of the *Post-Intelligencer*, who demanded that the Hewitt prosecution be dismissed. Carroll tells it this way: "Stone told me: 'We elected one prosecutor, and we can defeat another. We will blast you right out of office if you don't dismiss this case.' " Then one of the commissioners of King County, who had voted for Carroll's appointment, wrote an open letter to the press demanding his resignation for failure to dismiss the Hewitt complaint. The commissioner, incidentally, had been present at the meeting in Mr. Stone's office.[12]

Argument on the request for Hewitt's extradition was heard by Judge Aaron J. Levy of the New York Supreme Court in May 1949. Judge Levy, who has apparently not traveled widely on the Pacific Coast, announced from the bench that to order Hewitt returned to Washington would be to send him "to eventual slaughter." "I am wondering," he said, "really genuinely wondering, what the civilization of that area is really like." If the Soviet Union had asked for Hewitt's extradition, the judge's apprehension could scarcely have been greater. Needless to say the request was denied.

However Judge Levy's remarks so provoked the *Seattle Times* that it undertook an investigation which established beyond all doubt that Dr. Rader had been in Washington during the entire summer when he was supposed to have been conning the works of Marx and Engels in Kingston. After reviewing this unassailable documentary proof, President Allen invited Mr. Canwell to confer with Dr. Rader and representatives of the *Seattle Times*. Mr. Canwell failed to keep the appointment. And the next day Presi-

[12] See *Seattle Times*, February 2, 1949; *Seattle Post-Intelligencer*, February 3, 1949.

dent Allen issued what is, perhaps, the most cautiously worded exoneration on record: "The University is now fully satisfied by the present evidence that Mr. Hewitt's allegations concerning Professor Rader have been disproved." The Hewitt incident, in its entirety, has been omitted from the official record.

The official record also fails to mention that the Canwell Committee, upon the basis of its investigation, made the following recommendations to the legislature: (1) that a full-scale investigation be made into the manner by which textbooks and other reading materials are selected and approved in the State of Washington; (2) that measures be taken "to stem the flow" of subversive reading matter in the schools; (3) that suits for libel and slander based on a charge of Communism be barred when brought by those listed as belonging to three or more organizations officially designated as "subversive"; and (4) that recipients of relief and old-age pensions should be required to sign affidavits stating that "they will not use any such funds to aid the Communist Party or communist conspiracy, or any of the party's officers, repsentatives or front organizations."

The University of Washington is not, of course, responsible for the follies of the Canwell Committee; but the listed recommendations have a relevance to the issue which the Regents decided. If otherwise qualified instructors are to be driven from their posts solely because they are members of the Communist Party, then a purge of textbooks and reading materials is clearly in order. A Communist text can be as "dangerous" as a Communist professor; heresy printed has always been regarded as more dangerous than heresy "talked." If public funds should not be used to pay the salary of a Communist professor, should public funds be used to aid an indigent Communist or a pensioner? If individuals who are Communists are to be publicly exposed, then some relaxation of the laws of libel and slander would seem to be in order if only to offer a slight premium for inaccuracy and to provide a margin of safety for chronic liars.

The recommendations made by the Canwell Committee represent, in fact, an entirely logical extension of the doctrine of heresy. Those who accept this doctrine cannot be heard to object

that a particular weapon used in a heresy hunt is a bit too crude or that it might be used to destroy the innocent. For there is nothing more damnable than heresy — if you believe in heresy; indeed the evil is so menacing that the use of almost any weapon can be justified. The Inquisition, as G. G. Coulton once remarked, was like a revolver. "The man behind it might often be peaceful enough, but the deadly tool was always there, ready to kill at any moment." [13] It is dangerous to manufacture such weapons and then leave them lying about, loaded, for anyone to use.

The sequel of the Hewitt incident is also interesting. Dr. Rader had contended that in June 1938, when Hewitt had placed him in the Communist School in New York, he had visited Canyon Creek Lodge, a resort near Granite Falls, Washington, to make arrangements for a month's vacation in August. In the hearing on Hewitt's petition for a writ of habeas corpus in New York, a copy of the final report of the Canwell Committee was presented and it was largely on the basis of this report that Judge Levy released Hewitt despite the fact that Governor Thomas E. Dewey had approved the request for extradition. This report stated that Dr. Rader's first appearance at the Canyon Creek Lodge was in August 1940, which would indicate, of course, that Hewitt, and not Rader, had been telling the truth.

But from a report issued on May 5, 1950, by Troy Smith, Attorney General of the State of Washington, it now appears that the Canwell Committee had in its possession, at the time the report was issued, conclusive evidence that Dr. Rader was telling the truth; this evidence someone suppressed. For the Attorney General states that an investigator for the Canwell Committee signed a receipt for the "Guest Ledger Sheets" of the Canyon Creek Lodge; that the names of Melvin and Virginia Rader appeared on one of these sheets, with the date June 12, 1938; and that this evidence was in the possession of the committee at all times. When the *Seattle Times* made its exposé, the search for these registry sheets, of course, became very lively. "In the Seattle office of the Canwell Committee," reads the Attorney General's report, "the trail of the documents became very confused." The investigator

[13] *The Inquisition* by G. G. Coulton, 1929, p. 125.

who signed the receipt for the documents testified that he turned them over to the assistant chief investigator, who testified that he turned them over to the chief investigator, who couldn't remember ever having seen them!

The Attorney General then requested the legislative council to search the files and records of the Canwell Committee. The moment this announcement was made, Mr. Canwell, who had previously stated that he knew nothing about the missing documents, promptly notified the press that he just might be able to produce them after all! And he did – ten days later, with the explanation that the documents had been "wrapped up in an old newspaper" and misplaced. Not only was this evidence – vital to Dr. Rader's defense – suppressed by someone connected with the committee, but the committee, with the evidence in its possession, aided Hewitt to escape justice.

But this is not all. The committee's report, upon which Judge Levy relied, contained this statement: "Professor Rader terminated his paid services (with the University) on the twentieth of June, 1938, and did not resume employment there until September." The fact is, as shown by the records of the university, to which the committee had full access, that Rader was paid for teaching until *July* 20, not June 20. Slight wonder then that the Attorney General of Washington – in a commendable effort to right the wrong done Dr. Rader – should now conclude that "George Hewitt did not tell the truth"! For his excellent work on this case, Edwin O. Guthman of the *Seattle Times* was awarded the Pulitzer Prize for the best reporting of 1949. In the sordid annals of un-American investigations, it would be difficult to duplicate the strange behavior of the Canwell Committee in relation to the Hewitt case.

The official record of the University of Washington case does not mention the fact that three of four members of the Canwell Committee who stood for re-election in 1948, including Albert F. Canwell, were soundly defeated. This fact alone would seem to indicate that President Allen offered the Canwell Committee a warmth of welcome and a degree of co-operation which the people of the state would never have compelled him to give if

the issue had been taken to them. Even if President Allen had to co-operate with the committee, he did not need to praise its integrity and fairness or to endorse the work of the committee. He could have stood his ground; he could have defended the principle of academic freedom. But instead of doing this he proceeded to imitate the committee and to launch, as the next chapter will show, an inquisition of his own.

VIII

Professors on Trial

I lost
All feeling of conviction, and, in fine,
Sick, wearied out with contrarieties,
Yielded up moral questions in despair.
— WORDSWORTH

FOLLOWING the Canwell Committee hearings, formal complaints were filed against six members of the faculty by the administration of the University of Washington. Ten members of the faculty, all enjoying tenure, had been identified during the hearings as past or present members of the Communist Party. Two flatly denied the charge; five denied present membership; and three refused to testify. Charges, however, were only filed against six of the ten. In the official report, President Allen fails to explain why no charges were filed against three admitted ex-Communists: Angelo Pellegrini, who had been a member of the party for about a year in 1935 or 1936; Dr. Maud Beal, who had been a party member from 1935 to 1938; and Dr. Sophus Keith Winther, who had been a member in 1935 or 1936.

Presumably the fact that their membership was less recent than that of the three ex-Communists against whom charges were filed had removed the taint of heresy. Then, too, Dr. Sophus Keith Winther belonged in a rather special category. He had published an anonymous article in *Harper's* in July 1937, which purported to be a factual account of the experience of a professor in the Communist Party but was forced to admit, at the trial of his colleagues, that the article was "an imaginary treatment" of the experience. As a "friendly" witness before the Canwell Committee,

Dr. Winther had shown no scruples about naming some of his colleagues as former members of the Communist Party.

The charges against the six professors were automatically referred to the Committee on Tenure and Academic Freedom, the committee established to hear all tenure cases. Consisting of eleven members, the committee was appointed by the University Senate. The faculty committee held closed hearings on the charges from October 27 to December 15, 1948. On January 7, 1949, the committee filed its report with President Allen, who promptly transmitted it to the Regents along with his analysis and recommendations. Although the transcript consisted of thirty-two volumes of testimony and more than a hundred exhibits, the Regents met on January 22, considered the entire record, and announced their decision forthwith.

The session at which the decision was reached lasted three hours. Although it is possible that the Regents could have studied the record before making their decision, since the testimony was typed as the hearing proceeded, it is highly improbable that this was done. For example, one of the Regents had flown from Chicago to Seattle on January 22, arriving just in time for the meeting. The fact that the university's budget and the Canwell Committee's request for a new appropriation were pending before the legislature, which was then in session, may account for the swiftness with which the Regents acted. It is admitted that their decision represented a compromise verdict rather than a clear-cut decision on the merits or a conscious formulation of policy on a matter of paramount importance to American education.[1] The willingness of the Regents to compromise on an issue of this importance, to rise as it were "above principle," may also be related to the importance of the issues which were then pending before the legislature.

A note or two about the Regents may, perhaps, be in order. The Board consisted of Joseph Drumheller, a leading Spokane industrialist; Thomas Balmer, vice-president and general counsel of the Great Northern Railway, a director of the Seattle National Bank of Commerce, the Superior Portland Cement Company,

[1] *N. Y. Times*, February 9, 1949.

Washington Mutual Savings Bank, Pacific American Fisheries, and the Crow's Nest Pass Coal Company, and a member, also, of the University and Rainier Clubs of Seattle and of the Arlington Club of Portland; three lawyers, Clarence J. Coleman, Winlock W. Miller, and George R. Stuntz; John L. King, of the Washington State Grange, the one liberal on the board; and Mr. Dave Beck, vice-president of the International Brotherhood of Teamsters, chairman of the Western Conference of Teamsters (290,000 members), chairman of the Finance Committee of the Board of Regents, a rabid anti-Communist who is, perhaps, the most successful exponent of "business unionism" on the West Coast. Mr. Beck, who believes that his truck drivers and bottle washers are not competent to make "big decisions" affecting union policy, has a love of fancy titles and a desire to associate with financiers and industrialists described as "childlike in its intensity." [2] So much for the Regents; but what of the six professors?

1. THE SIX HERETICS

Joseph Butterworth, fifty-one years of age, an associate in the English Department, recognized authority on Chaucer, joined the faculty in 1929. Quiet, mild-mannered, soft-spoken, badly crippled, he has had more than his share of personal sorrows and misfortunes. Butterworth joined the faculty in 1920. Like Phillips, he admitted to the faculty committee that he had joined the Communist Party in 1935 and was still a member; he declined to answer this question, however, before the Canwell Committee. Herbert J. Phillips, fifty-seven years of age, assistant professor of philosophy, joined the faculty in 1920. He likewise admitted to the faculty committee that he had joined the Communist Party in 1935 and was still a member but refused to answer this question before the Canwell Committee. For many years, Phillips had made it a practice, at the beginning of each semester, to tell his classes that he was a Marxist and that this fact should be

[2] See *Fortune*, December 1948; and "Labor's New Strong Man," *New Republic*, August 1, 1949.

kept in mind in appraising his personal views and opinions. For thirteen years, Butterworth and Phillips were known to all and sundry as the leading "reds" on the faculty.

Ralph H. Gundlach, forty-six, associate professor of psychology, joined the faculty after his graduation from the university in 1924. At the time of his dismissal, he was president of the Western Psychological Association. Dr. Gundlach refused to tell the Canwell Committee whether he was a Communist but, before the faculty committee, denied that he had ever been a member. Cited for contempt by the Canwell Committee, he was convicted by a jury on March 17, 1949, and his case is now on appeal. As a good social scientist, Gundlach could not resist the temptation to circulate a questionnaire among his students about his own case. Five per cent thought that he was a Communist; the same number thought he was a Democrat; 2 per cent believed he might be a Republican; and 75 per cent had no opinion as to his political affiliations. In a statement to President Allen, Dr. Gundlach outlined his political beliefs as follows:

> I graduated from the University of Washington in the field of political science under Professor J. Allen Smith; and from that great man and Vernon Parrington and William Savery, I learned that human personality and individuality, and kindly human relationships are the important values; that human rights are a means of safeguarding the conditions for general human development; and that our institutions in society are not ends in themselves, but means, for the service of the needs of mankind. So, I am anti-fascist, anti-authoritarian; a democrat; a humanitarian; in the broad, deep sense, a Christian. I learned that the liberation of the peoples of the world from tyranny was retarded more by psychological factors than by material ones; and that the direction of liberation was the drive toward democracy – in religion, politics, and economics. . . . I am opposed to the use of force and violence. In my personal life, I have never had a fight. I firmly believe that peoples should be induced to cooperate, not forced to comply. I want people to be mutually helpful. I think it is evil to "use" other people for one's selfish ends.

Butterworth, Phillips, and Gundlach, each of whom had been a member of the faculty for approximately twenty years, all enjoying permanent tenure status, were summarily dismissed from the faculty, without severance pay, on February 1, 1949.

Garland O. Ethel, fifty, assistant professor of English, had been a teaching fellow before joining the faculty in 1927. Just prior to joining the Communist Party in 1934, he had visited both Germany and Russia. He admitted that he had been a member of the Communist Party but stoutly refused to name any witches he might have seen at the Sabbats. He left the party in the fall of 1941 because, so he said, the danger of fascism had abated. At forty-three years of age, he enlisted in the army and was later commissioned a captain. He told the faculty committee that he did not intend to rejoin the Communist Party but that he still considered himself an intellectual Marxist. The entire faculty committee made a point of praising his "sincerity and frankness."

E. Harold Eby, forty-eight, professor of English, joined the faculty in 1927 after finishing his graduate work at the university. He admitted that he had joined the Communist Party in 1935 but refused to name any of his colleagues as members. He left the party in the early part of 1946 because, so he stated, "I came to the conclusion that I wanted to devote my whole time and energy to my research and writing." Melville Jacobs, forty-six, associate professor of anthropology, joined the faculty in 1928. He admitted that he had joined the Communist Party in 1935 or 1936, but, like Ethel and Eby, refused to name any of his colleagues as members. Asked why he had joined the party, he said: "In the period of the depression and in the course of visiting around the country, riding about in my car and seeing poor devils starving or walking along the Bowery of New York, I became aware of an aspect of life I had never had any occasion to be interested in." Another major reason had been, he explained, his abhorrence of the racial doctrines of the Nazis. He dropped out of the party, rather informally, in 1945. As with Dr. Ethel, his interest in Communism seems to have been an aspect of his detestation of fascism.

These, then, are the six heretics.

Of the group, one gains several distinct impressions. They were, first of all, antifascists. By and large, the pattern of their political affiliations and activities is the same. In varying degrees, they were active in: the Washington Commonwealth Federation, the Washington Old Age Pension Union, the Teachers Union, the Loyalist cause in Spain, free speech and civil liberties issues generally, the New Deal, the defense of Harry Bridges, opposition to the Dies Committee, independent political action committees, and the formation of a labor school. The five who admitted having joined the Communist Party became members in the period from 1934 to 1936, the period of the popular front and the pre-Munich crisis. Having left graduate school in the late 'twenties, it is apparent that they had been profoundly disturbed by the depression and the emergence of European fascism. Only one had ever visited the Soviet Union, so far as the record indicates. A glance at the list of their affiliations in the Canwell report will show that these were men of real courage who, as university professors, had never hesitated to support unpopular causes. The record also shows that they had signed perhaps more than their share of open letters, petitions, and memorials; and that they had long taken an active part in the political life of an exceptionally liberal community. For over a decade, the six professors had been systematically red-baited — a fact which stands out from almost every page of the record.

Most of these men were either graduates of the University of Washington (Phillips, Eby, Gundlach) or products of its liberal tradition. A protégé of Vernon Parrington, Eby had edited the third volume of *Main Currents in American Thought*. The liberalism of men like Phillips, Eby, and Gundlach, therefore, can be easily understood. It is part of the tradition of the university in which they were trained; it is part, so to speak, of their intellectual inheritance. Of J. Allen Smith, Parrington once wrote: "That so outspoken a critic of the Constitution should have suffered ungenerous attack was, no doubt, to be expected. The hornets are quick with their stings if the nest of privilege is disturbed. The high price exacted of him for his courage and sincerity, his friends are well aware of, yet none ever heard him com-

plain or recriminate. It was part of the price the scholar must pay for his intellectual integrity and he paid it ungrudgingly." It is not surprising, therefore, that students of Smith and Parrington should also be willing to pay a high price for their intellectual integrity. What is surprising, however, is that their trial for heresy should have been held in Parrington Hall on the campus of the University of Washington.

2. *THE CHARGE IS HERESY*

Just what were the charges against the six heretics? The administrative code specified five, and only five, grounds for the removal of a faculty member holding tenure: incompetency, neglect of duty, physical or mental incapacity, dishonesty or immorality, and conviction of a felony involving moral turpitude. Millions of Americans have been told, in the press and over the radio, and by the most responsible observers, that the hearing accorded the six professors was a model of fairness. Due process implies the existence of valid charges; indeed, the fairness of a hearing becomes irrelevant in the absence of validly grounded charges. Yet Butterworth and Phillips were convicted of a "crime" which had never been declared to be a crime either under the administrative code of the university or under statutes of state or nation.

At the hearing, the administration withdrew all charges against Butterworth and Phillips other than the charge of membership in the Communist Party, which both men admitted. Five of the eleven members of the trial committee were unable to find that membership constituted a ground for discharge under the tenure code. In effect, therefore, five of the trial judges found that the university had failed to file valid charges and this, it should be noted, was the *majority* finding. As a matter of fact, three additional trial judges concurred in the recommendation against their removal although dissenting on other issues. Thus eight of eleven members of the trial committee recommended *against* the removal of either Butterworth or Phillips. One is therefore driven to the conclusion that not only were valid charges lacking against

these men but that their removal from the faculty was in direct contravention of a majority finding by the committee which had been set up to try them and which alone could try them under the tenure code! [3]

Most American educators seem to believe that a fair trial and not a witch hunt took place in Seattle. But the more that is said about the fairness of the hearing, the more indefensible becomes the action of the president and the Regents in setting aside the verdict of the tenure committee. In acting as they did, the president and Regents were guilty of a much greater offense than that of having worked a grave injustice to the professors involved; what they did, in effect, was to nullify the tenure system. For in electing to oust two Communists from the faculty solely because they were Communists, the administration, as Dr. Helen M. Lynd has pointed out, set aside "all accepted canons of teaching and scholarship in judging teachers" and substituted a political test of competence.[4] The substitution, moreover, was accomplished in defiance of the code which governed tenure at the university.

It is difficult, indeed, to understand how responsible officials could act so arbitrarily on a matter of this importance. But their decision becomes quite understandable if one will concede that the six professors were charged with heresy, and not with any offenses against the academic code. The inconsistencies disappear the moment one is prepared to concede that the real purpose of the prosecution was to establish Communism as an inadmissible heresy. The six professors were not tried in their professional capacity; they were tried as heretics. The administration admitted as much when it stipulated at the outset of the hearing that

> . . . we will indulge in the conclusive presumption that every person here charged is sufficiently learned in his field

[3] The minority report on Butterworth and Phillips consists of two opinions. In the first, two faculty members found that the grounds for discharge listed in the code were "merely illustrative"; hence that the administration could add to these grounds, from time to time, as need arose. In the second dissent, the eleventh member of the trial committee agreed with the five-man majority report about the Communist Party but disagreed with certain recommendations.

[4] *American Scholar*, summer 1949, p. 348.

> and sufficiently skillful in his teaching, and that he is not using the classroom as a forum for the indoctrination of his students into communism, or anything similar thereto.

From this sweeping admission, it is quite clear that the administration was not even interested in the character or professional competence of the professors except as a man's character may be inferred from his political affiliations and activities. If the professors were guilty of anything, it was not of misconduct or incompetence but of heresy or the taint of heresy.

This conclusion is implicit in other aspects of the trial. For example, the committee rejected the testimony of scholars eminent in the fields of learning represented by the professors on trial. When a statement was offered by Dr. Lewis M. Terman, chairman of the Department of Psychology at Stanford University, in support of Gundlach's case, the university's counsel objected: "The letter came from no amateur. Terman is listed three times in the index of the Un-American Activities Committee." It is doubtful if even Canwell would have raised this objection to the testimony of an internationally famous scholar and scientist. The faculty, however, readily accepted the testimony of the head of the "red squad" in Portland and listened, with attention, to Dr. Sophus Keith Winther, who writes imaginary accounts of alleged personal experiences and then publishes them anonymously. In his summation, President Allen proceeds upon the assumption that members of the Communist Party are wellnigh incapable of telling the truth; yet the testimony of Dr. Edward Strong of Stanford University, and Dr. Paul Sweezy, formerly of Harvard, is characterized as "useless" because neither man had ever been a member of the Communist Party! To add to the confusion, the testimony of ex-Communists was freely accepted and given full weight, apparently on the assumption that a person's ability to tell the truth is immediately restored once he resigns or is expelled from the Communist Party.

"It is hard to avoid the conclusion," writes Dr. Helen M. Lynd, "that President Allen and those who stand with him wanted to

get these six men out of the University, or to discipline them to conformity, by whatever evidence or logical devices would serve these ends." To the question of how such thinking is possible for educated men vested with serious educational responsibilities, Dr. Lynd finds the answer in John Dewey's suggestion that trained minds reason in an inverted fashion only when influenced by some covert factor. But it is not necessary to assume the existence of some covert factor, as, say, a fear of the Canwell Committee, to explain the bizarre reasoning of President Allen and the Regents. Once they had been induced to file charges of heresy against the six professors, the perverse reasoning, the desire to convict by any means, and the rest of it, followed quite logically and inevitably. To the Inquisitor, heresy is like a fire. One does not scruple about the methods to be used in putting out a fire; any methods will do, including counter-fires and demolitions.

The reasoning of President Allen and the Regents is not objectionable for want of logic; indeed their reasoning is quite logical if one accepts the heresy premise. They are not to be charged, therefore, with being illogical but with having acted in a manner that confuses the points at issue between authoritarian and democratic social philosophies. For example, the belief that *all* Communists are without honor, morality, or integrity is not only false and patently malicious: it ignores the real basis of the conflict between Communism and democracy. This conflict arises not between our "righteousness" and their "immorality" but between two conflicting codes of morality. There is convincing evidence in the case that Communists can be persons of honor and integrity who make a point of adhering to a code of strict political and personal morality. It is precisely because this happens to be true that a basic moral conflict arises; otherwise the conflict would have no moral implications. The confusion, the embarrassment of the Seattle witch hunt, stems directly from the fact that the Communists behaved so well, that is, so consistently; while those who assaulted their rights in the name of "academic freedom" and "safeguarding democracy" behaved so badly.

The action of the president and the Regents could be de-

fended on the score of expediency. True, the defense would be ignominious and extremely disingenuous; but it could still pass for a defense, of a sort. But both the president and the Regents spurn the suggestion that expediency had anything to do with their decision: they acted as they did out of an undying devotion to democratic values, including academic freedom. It is this discrepancy between what they did and what they say in defense of what they did that reveals, with embarrassing clarity, the self-defeating nature of the strategy of fighting Communism as a heresy. It is only by clarifying and emphasizing the differences between Communism and democracy that the nature of the conflict between the two philosophies can be demonstrated.

"Democracy and education and truth-seeking," as Dr. Lynd has observed, "are serious, time-consuming processes." It is difficult to live as a democrat and it is surely difficult to get along with Communists, at home or abroad; but neither consideration justifies the abandonment of democratic principles. We cannot at the same time say that a teacher has a right to be a Communist if he will only declare this belief openly and then turn around and punish him as a heretic when he takes us at our word. As Dr. Lynd so rightly insists, we cannot "teach democracy by praising freedom while practicing dictation"; we cannot open closed minds by confronting them with closed minds; we cannot attack the idea of a police state while using the methods of a police state. On the record, therefore, the real heresy revealed in the Seattle witch hunt was the heresy of the avowed democrats. The Communists acted like Communists; the democrats acted like — dictators.

3. PROFESSORS ON PROBATION

The sentence meted out to Drs. Eby, Ethel, and Jacobs is, in some respects, one of the clearest indications that the six professors were tried as heretics. For it is clear beyond contradiction that these men were punished retroactively — for past

beliefs, associations, and activities. The *entire faculty committee*, without dissent, recommended against their dismissal. Yet they were placed on two years' *probation* and forced to abjure under oath any sympathy or connection with Communism. The humiliation of these scholars is quite without precedent in the history of American education. Professors have been discharged from posts in American universities for their beliefs just as professors have, for the same reason, been demoted and transferred. But this is the only known case in which professors have been forced to abjure under oath *a former belief* as a condition to being placed on two years' probation. But, here again, the use of the test oath and the granting of probationary indulgence is quite in keeping with the best inquisitorial practice.

Probation of course implies a testing or trial of one's conduct, character, qualifications or the like (so reads the dictionary). But what quality of these men was being tested? They had been members of the faculty for many years and they were men of recognized competence in their respective fields. The sentence given them, therefore, indicates a clear intention to test the sincerity of their withdrawal from the Communist Party and to ensure, if possible, their future conformity. According to President Allen, the university would not object to the presence on the faculty of an "intellectual Marxist"; but President Allen accepted and praised as "just" the decision of the Regents placing Garland Ethel, an intellectual Marxist, on probation for two years. The professors were asked, on several occasions, whether they would rejoin the Communist Party should another depression occur. The requirement of a sworn disavowal of Communist membership, coupled with two years' probation, would seem to indicate that the Regents sought to guard against this contingency. In the case of these men, therefore, thought control was applied both retroactively and prospectively — for two years at least. Such a sentence betrays, on its face, a determination to humiliate and degrade heretics rather than to safeguard academic freedom or vindicate any right or principle.

The issue of conflicting moralities is brought out sharply in the case of these men. One of the charges against them was that,

having taken an oath to tell the truth, the whole truth, and nothing but the truth, they had refused to reveal to the Canwell Committee the names of former associates in the Communist Party. Their refusal, on this score, is denounced as "dishonest and immoral."[5] These, indeed, are harsh words. But in what, precisely, did the dishonesty and immorality consist? Every day hundreds of witnesses take a similar oath in American courts and still refuse, without being denounced as either dishonest or immoral, to answer questions to which, for example, objections are sustained. Is a witness "dishonest" who refuses to testify on the ground that his testimony might be self-incriminating? Is a physician "immoral" who refuses to divulge, under oath, a professional confidence? As a matter of fact, the refusal of Eby, Ethel, and Jacobs to name their former associates was the basic charge against them; if they had turned informers they could have escaped unscathed. And since when did it become "honest" and "moral" to purchase one's own freedom by denouncing one's former associates? This is Nazi doctrine; it has nothing to do with truth or morality.

President Allen had told the faculty on May 12, 1948, that the Canwell Committee was about to investigate the university and he had implied that the administration would refuse to defend any instructor who had been carrying on "in secrecy activities the nature of which was unknown." One of the charges against Eby, Ethel, and Jacobs was that they had remained "silent" after this statement and had failed to disclose to President Allen their former membership in the Communist Party. But what, precisely, was the nature of the duty which obligated them to disclose their personal political beliefs to the president of the university? He was never appointed the keeper of their consciences. When they were employed, nothing was said about Communism; nor had they ever been told that membership in the Communist Party would jeopardize their tenure. On the contrary, they knew that for thirteen years Butterworth and Phillips, who had never denied or concealed membership, were permitted to teach and to enjoy full faculty rights and

[5] Official Record, p. 123.

privileges. Enlightened moral codes have always avoided any suggestion of compulsion where an obligation arises, if at all, only as a matter of good conscience. Any obligation which these men may have owed to President Allen, arising as a matter of conscience and good faith, was forfeited when he threatened to abandon those who failed to make disclosure.

* * *

The case of the sixth professor, Ralph Gundlach, is tragically mixed-up and confused. Gundlach, who refused to answer questions about membership in the Communist Party before the Canwell Committee, denied membership under oath before the faculty trial board. But he seems to have been tried, not for his conduct before the Canwell Committee, but on the score of professional competence, and this despite the fact that the administration had specifically waived any charges of this character. Four members of the faculty trial board voted against his dismissal but the remaining seven members in three separate reports (four, two, and one) voted, for different reasons, that he should be dismissed. One finishes a study of the record with the feeling that Gundlach, more than any of the other professors, was the victim of a complicated plot. Of the six, ironically, he was the only one who had never been a Communist! Yet he was dismissed while Eby, Ethel, and Jacobs were merely "disciplined." It was probably because he had never been a Communist that his dismissal was justified on grounds unrelated to the charges. Gundlach, alas, occupied the dangerous middle ground between the two Communists, with their defenders and partisans, and the three ex-Communists, with theirs. Unfortunately he stood alone.

As a tactical maneuver in the campaign to combat Communism, the Seattle witch hunt must be pronounced a dismal, a disastrous failure. The Communist Party did not suffer, here or elsewhere, from this prosecution; on the contrary, the two Communists involved acquitted themselves admirably and won wide respect for their courage and integrity. In the process of ousting these men, who showed real courage under fire,

serious damage was done the principle of academic freedom, the assurance of individual freedom of belief was gravely undermined, and widespread sympathy was aroused for the two heretics. In indicting the Seattle professors, democracy indicted itself. The damage which the trial caused was not to Communism or the Communist Party but to academic freedom and democratic values generally. In placing three of the professors on probation, the Regents placed the entire teaching profession on probation and weakened the morale of democrats everywhere. According to President Allen, the ultimate judgment on the Seattle case will be made ". . . by the larger forces that will shape American education as it deepens and extends the freedom of true scholarship." This ultimate judgment, I fear, will be that six professors were convicted of heresy in Seattle, Washington, in the middle of the twentieth century.

The belief in witchcraft was built up by the trick of imposing delusion on delusion until the reality out of which the charge emerged was hopelessly obscured. This same technique finds illustration in the handling of the University of Washington case. By omitting the essential background facts from the official record, the first delusion about the case of the six professors was created. The next delusion was produced by the simple technique of praising as "fair" a trial based on irrelevant charges in which the verdict of the jury had been set aside and the rules governing trials of this sort had been deliberately ignored. On the basis of the delusions created in this manner, the public was then asked to concur in an abstract proposition which, in strict legality, had nothing to do with the facts of the University of Washington cases. The next chapter deals, therefore, with the Great Debate by which the public was asked to acquiesce in a serious violation of academic freedom in the guise of protecting this freedom.

IX

The Great Debate

> Not in Utopia, — subterranean fields, —
> Or in some secreted island, Heavens knows where!
> But in the very world, which is the world
> Of all of us.
>
> — WORDSWORTH

THE DECISION made, the struggle for vindication began. President Allen left immediately for New York to invite an investigation by the American Association of University Professors before the six professors could file a complaint, and to get the official version of the case to the public before the professors had prepared their first press release. Indeed the ink was scarcely dry on the documents before it became apparent that the issue was charged with general political significance and, like most political issues, would be resolved by public debate. Since February 1949, the Great Debate has echoed in educational circles, popular forums, in the press and over the radio. What, then, are the merits of the arguments pro and con? How goes the debate?

1. THE MATTER OF DISCIPLINE

Variously stated, a major argument for the affirmative is this: By joining the Communist Party an instructor becomes subject to a discipline which is wholly incompatible with the disinterested pursuit of truth. "To stay in the Communist Party," writes Dr. Sidney Hook, "they [the members] must believe and

teach what the party line decrees." The argument rests on two assumptions: the Communist Party not only claims the power to discipline but in fact does discipline its members to the point where they are no longer free agents; and for every area of thought from art to zoology the party lays down a line to which conformity is enforced. The second assumption is vital for otherwise it would be difficult to apply the argument, for example, to the case of Dr. Joseph Butterworth, a professor of Old English. Any person, so the argument runs, is free to join or leave the Communist Party, but once a member, and as long as he remains a member, he cannot be a free agent.

But just what types of discipline were available to the Communist Party in the year 1948, in the United States? The case of the six professors throws some light on this question. For example, Dr. Sophus Keith Winther testified that while he and Mrs. Winther were members of the party, they declined to vote for Earl Browder when he was the Communist candidate for President. Voting for Browder, however, was supposed to be mandatory for all party members. Indeed the chief functionary of the party in Seattle read the riot act to those who had refused or failed to vote for Browder. Yet the fact remains that only one vote was cast for Browder in the Seattle precinct in which the "red" professors lived. Disturbed by this testimony from a witness bitterly hostile to the Communist Party, counsel for the Canwell Committee then asked: "They [the Communists] had quite an iron discipline then, did they not, in the party?" To which Dr. Winther replied: "It didn't work very well." [1]

The Communist Party has been charged with being a conspiracy to overthrow the government by force and violence. Ordinarily the parties to a conspiracy are not free to withdraw from the conspiracy whenever they wish. Yet when Dr. Winther was asked: "Now, what mechanics did you go through to get out of the party?" he replied: "None, whatsoever, except I notified one of the members that I would no longer attend meetings." From his own testimony it appears that he dropped

[1] Vol. II, p. 26.

out of the party as casually and informally as one would cease to be a member of a club by failing to pay dues. His examination on this point reads:

Q. Did any of them come to see you and try to get you to return to the Communist Party?
A. No.
Q. They just let you go and left you alone?
A. Yes.

Dr. Melville Jacobs testified that during the time he was a member of the Communist Party he was able to retain both his critical faculties and his independence of judgment. "When the Communists have urged a point for one or another special aspect of anthropological science, I have often been in sharp disagreement." On more than one occasion, scientific considerations had forced him to come to conclusions "other than theirs."[2] Both Dr. Butterworth and Dr. Phillips, praised by their colleagues as men of honesty and sincerity, testified that they were never haled before "control commissions" or told what to think or say. Doubtless the Communist Party in this country has disciplined members who were instructors and doubtless it claims the power to impose an intellectual discipline on its members. But the facts of the Seattle case simply do not support either contention. It may well be that the Seattle functionaries were lax in the matter of discipline or that Butterworth and Phillips were regarded as "sacred cows," but these suppositions do not take the place of proof or evidence.

The fatal weakness of the discipline argument, however, consists not in the absence of proof but in the absence of power. "In the Soviet Union," writes Dr. Alexander Meiklejohn, "Mr. Stalin and his colleagues can, and do, enforce orders by police and military might. But by what form of 'might' do they control an American teacher in an American university?" To be sure, the teacher can be expelled from the party; but expulsion, in terms of the social realities of 1948, would be a boon, not a penalty. Under the forms of discipline available here, a member's accept-

[2] See *N. Y. Times*, February 9, 1949.

ance of the doctrines and policies of the party is voluntary, not required. To say that beliefs are required as conditions to membership is not to say that beliefs are required by force unless it can be shown that membership is enforced. If membership is free, then the beliefs are free. And so far as the evidence shows, the Seattle professors were ". . . free American citizens who, for purposes of social action, have chosen party affiliation with other men, here and abroad, whose beliefs are akin to their own. In a word, they do not accept Communist beliefs because they are members of the Party. They are members of the Party because they accept Communist beliefs." [3]

In the years from 1934 to 1948 membership in the Communist Party was clearly an enormous professional handicap to any instructor. If the affiliation were known, the instructor could hardly hope for promotion and might well forfeit his professional career. In fact, membership implied a form of social and professional ostracism. On the other hand, resignation or expulsion from the Communist Party might lead to tangible rewards: a sinecure at some Catholic university; lush royalties from autobiographical "revelations"; handsome fees for "expert" testimony in various hearings and prosecutions; and fees for motion picture scripts. Dismissal implied, moreover, automatic rehabilitation in the good graces of society. As a matter of fact, ex-Communists enjoy a unique exemption from the suspicion of heresy in contemporary American life and the status is probably desirable per se. It is difficult to see, therefore, how the threat of dismissal could be an effective means of enforcing discipline.

In the Seattle case, moreover, the discipline argument is clearly refuted by the facts. "Three of the five men whom they condemned as enslaved by party orders," writes Dr. Meiklejohn, "had already, by their own free and independent thinking, resigned from the party. How could they have done that if, as charged, they were incapable of free and independent thinking? Slaves do not resign." Furthermore, if the discipline of membership incapacitates, by what magic rite of purification does nonmembership suddenly reinvest a person with integrity, independence of

[3] Article by Dr. Alexander Meiklejohn, *N. Y. Times*, March 27, 1949.

mind, and the love of truth? Indeed the discipline argument can become a two-edged sword. Either Drs. Eby, Ethel, and Jacobs were "free agents" when they resigned from the Communist Party or they felt compelled to resign by reason of the pressures for conformity imposed by American society.

The discipline argument rests on a familiar fallacy. In a clash between rival ideologies, the apostate is always regarded as a "captive"; the only reason he does not return to the true faith is that he has ceased to be a free agent. That the apostate might actually prefer the rival ideology is an assumption too frivolous to be investigated. Critics of the Catholic Church like to believe, and usually insist, that converts have surrendered their intellectual independence; they are no longer "free men." To support this belief, various Catholic texts and pronouncements are cited which are seemingly in point. On the other hand, many Catholics doubtless believe that the love of a Mason for his fellow Masons is stronger than the love of profit or personal advantage and doubtless there are passages in the Masonic ritual that give credence to the belief. Yet the fact is that individual Masons place their own interpretations upon the Masonic ritual and respect their Masonic obligations with every variation of fidelity and recusancy.

With rival political ideologies, the temptation to believe that the nonconformist is imprisoned in the enemy's camp is particularly strong. I have known Communists who have expressed a truly fanciful belief in the unanimity which is supposed to prevail in "capitalist circles." On occasion, I have had direct, first-hand knowledge that the community's capitalists were violently at odds on a particular issue. Yet I have been gravely assured that these same leaders were necessarily of one mind on the particular issue since "the necessities of the situation" would not permit them to hold independent views. One reason for this delusion, of course, is that feuding capitalists, like feuding Communists, usually keep their feuds to themselves. Whatever the reason, the reality of membership in any social organization simply cannot be deduced from a study of its bylaws, ritual, or best-known manifestoes.

In all fairness, it must be recognized that an element of discipline attaches to membership in almost any form of social organization. Medical associations rigorously discipline members who favor compulsory health insurance and the Young Republican Club that came out in favor of the Welfare State would not long retain its charter. Social groups are driven to assert a discipline which is invariably less effective than the power to discipline would imply. In our time, surely, no Mason has been "disemboweled" for seducing a fellow Mason's wife. So long as membership is voluntary, all social groups must act with caution in the matter of discipline. If the discipline is oppressive, the group will disintegrate; on the other hand, if some discipline is not imposed, the group will soon cease to have any meaning or identity. This is perhaps the most commonplace observation that can be made of social groups outside an authoritarian state.

The discipline imposed by social groups always looks quite different to the members than to outsiders. To the hostile outsider, the members are either morons or weaklings who lack the "guts" to resign. But the members experience the discipline implicit in membership as a pressure to win their acceptance; they are not conscious of being "enslaved" or "disciplined." The fact is that almost all social groups are to some degree coercive. The members constantly balance the advantages of membership against the disadvantages, the agreements against the disagreements, just as the group itself must constantly balance the risks of discipline against the risks of freedom. It is sheer nonsense to contend that this inner debate is unknown to Communists. The turnover in membership alone provides abundant evidence to the contrary. I happen to believe that the structure of the Communist Party, as an organization, tends to minimize the force of this inner debate; but this does not mean that no freedom whatever attaches to membership.

It is extremely difficult for the outsider to understand the reality of Communist Party membership as it must be sensed by many, if not most, members. On occasion, I have been furious with Communist friends for going along with some program or policy of their party with which I knew they disagreed. Yet it

must be kept in mind that one cannot accept the Communist ideology without taking certain propositions on credit, as an act of faith. For example, there is no evidence to support the belief that the dictatorship of the proletariat will eventually "wither away." Yet there are people who believe that this will happen and who act on this belief. The test of their good faith, and of their independence, is not to be found in the credibility of the belief but in the sincerity with which it is held. Obviously there are opportunists in the Communist Party who believe because it pays to believe. It is also possible that there are members who are so thoroughly labeled and smeared that they are now afraid to resign because they probably could not find employment outside the orbit of the party's influence. But, by the same token, the fact that there are members of trade unions whose membership is coerced does not mean that membership in a trade union constitutes "proof" that an individual has surrendered his intellectual independence.

For many years the belief was widespread that the Mormon Church severely punished apostates. Always implicit in this belief was the notion that most Mormons wanted to "escape" into the Gentile world. To the Gentiles, it seemed quite clear that the saints and bishops coerced rank-and-file Mormons; otherwise how could "sane people" believe such "nonsense"? To many antifascists, it seemed clear that the German masses were coerced into an acceptance of the Nazi ideology and no doubt coercion was an important factor in recruiting members. Yet more than one antifascist was surprised to discover that an embarrassingly large number of Germans freely accepted the Nazi ideology long after the last Nazi had been disarmed. The same fallacy was always implicit in the notion that the witch was "possessed" – that she could not shake off the Devil's dominance.

There is, indeed, something ironic in the spectacle of a society engaged in the act of bringing great pressure on a small political sect to conform, yet insisting, all the while, that the members of this sect are "captives" and "prisoners" of the sect's discipline. If members of the Communist Party, in this country, are captives in any sense, then they are clearly captives of the overwhelming

majority sentiment which, in effect, will not permit them to escape from the party without visiting serious disabilities upon them. The captive theory, however, does make a perverse kind of sense. Otherwise, how is one to account, so the argument runs, for the amazing loyalty of the heretic to his unpopular sect? Again and again, in the various un-American investigations, the committeemen have paused to express their utter amazement that any person could freely accept membership in the Communist Party when the disadvantages of membership are so apparent. There is, therefore, a sort of "common sense" presumption which implies that all heretics are either crazy, corrupt, craven, or captive, for otherwise how is one to account for their stubborn adherence to the unprofitable enterprise of being a heretic?

There is a humorless, Talmudic quality about the reasoning of those who take a Communist text, study it, and then proceed to deduce the character of all Communists, in all lands, and under all circumstances, from this text. For example, Sidney Hook quotes a passage from a Communist publication in which some party pundit, in the year 1937, urged all party members who were teachers to take advantage of their positions and to give their students "a working-class education." The passage is quoted in a manner that implies that it expresses, not a pious hope, but a universal fact. In other words, since "the book" says that something is true, it must be true. If we judged every organization by this standard, America would be a madhouse.

Over a century ago, Macaulay pointed out the dangers of seeking to read men's characters by studying the bylaws of the organizations to which they belong. "To charge men," he wrote, "with practical consequences which they themselves deny is disingenuous in controversy; it is atrocious in government. The doctrine of predestination, in the opinion of many people, tends to make those who hold it utterly immoral. . . . But would it be wise to punish every man who holds the higher doctrines of Calvinism, as if he had actually committed all those crimes which we know some Antinomians to have committed? . . . It is altogether impossible to reason from the opinions which a man professes to his feelings and his actions; and in fact no person is ever

such a fool as to reason thus, *except when he wants a pretext for persecuting his neighbors.*" [4] (Emphasis added.)

Dr. Henry Steele Commager has made the same point with specific reference to the case of the six professors. "Now what is the difference," he asks, "between the view of the faculty committee [at the University of Washington] and of President Allen? It is a difference of method that involves, or symbolizes, a difference in philosophy. The committee subscribes to the inductive and pragmatic method; President Allen to the deductive and the a priori. The committee looks to the facts, the president looks to the theory. The committee is unwilling to deduce unfitness from the generalization of membership in the Communist Party; the president first establishes his premise that membership in the Communist Party is a priori evidence of unfitness, and then concludes that all members of that party are, of necessity, unfit. The committee's method is that of the scientific investigator; the president's is that of the doctrinaire. It is not wholly facetious to add that the committee's method is one we have come to think of as characteristically American, the president's as un-American." [5]

Certain educators, however, have said that it is not discipline per se that is objectionable but only "secret" discipline. But how is the existence of a secret discipline established? If the discipline is secret, it will not be apparent; if it is not apparent, then it must be established by investigation, surveillance, and espionage. Would the person subject to secret discipline be likely to reveal this discipline by his conduct as a teacher? And if the discipline were not revealed — if it did not affect his teaching in some objective manner — then how could it be dangerous enough to warrant the risks involved in using a political police to identify its adherents?

Appreciating these risks, Dr. V. T. Thayer has suggested that Communists should not be barred as teachers until a public warning has been issued. But if his assumptions are sound, then *past*

[4] *Critical and Historical Essays*, 1872, the essay on the "Civil Disabilities of Jews."

[5] *New Republic*, July 25, 1949.

membership in the Communist Party cannot be ignored as irrelevant. In dealing with this awkward problem of the former heretic, Dr. Thayer writes: "The essential in instances of this character . . . is to judge as well as we can the motives and intentions of the individual as distinct from what we may consider to be the validity of his conclusions." [6] But what could be more disastrous to academic freedom and tenure than inquiries into the motives and intentions of those who hold unpopular beliefs? Dr. Thayer then goes on to suggest, quite casually, that there may be ". . . ground for requiring non-membership as a condition for *induction into teaching*." (My emphasis.) Thus the investigation has now been pushed back one step further, from teaching to learning to be a teacher. One is amazed, here, by the apparent assumption that "membership" can be proved without an inquiry into subjective beliefs and attitudes; and, second, by the innocent notion that delicate issues of conscience and belief can be probed, investigated, and "tried" without destroying the foundation of intellectual freedom.

2. "*WHERE GOOD AND EVIL INTERCHANGE THEIR NAMES*"

A purge of Communist teachers is justified, one is next told, in order to protect academic freedom. This argument has at least the merit of audacity. The argument proceeds upon the assumption that academic freedom imposes an obligation to teach only what the instructor himself believes or has found to be true. As developed by Dr. Arthur O. Lovejoy, the argument rests on the following theorems:

1. Freedom of inquiry, of opinion, and of teaching in universities is a prerequisite if the academic scholar is to perform the function proper to his profession.
2. The Communist Party in the United States is an organization whose aim is to bring about the establishment

[6] *Harvard Educational Review*, January 1942.

here of a political as well as an economic system essentially similar to that which now exists in Russia.

3. That system does not permit freedom of inquiry, of opinion, and of teaching, either in or outside of universities.
4. Therefore a member of the Communist Party is engaged in a movement which has already extinguished academic freedom and would — if it were successful — result in the abolition of this freedom in American colleges and universities.
5. No one, therefore, who desires to maintain academic freedom in America can consistently favor that movement, or give indirect assistance to it by accepting as fit members of the faculties persons who voluntarily adhere to an organization one of whose aims is to abolish academic freedom.[7]

Before analyzing this argument, it is extremely important to note how Dr. Lovejoy qualifies its application to the case of the six professors. He insists, in the first place, that the argument relates to *future* appointments; he would therefore presumably favor a warning or policy statement. Faced with the problem of "present members of faculties who are on permanent tenure," Dr. Lovejoy visibly staggers under the weight of his argument. Drs. Butterworth and Phillips, he writes, appear to be "unorthodox Communists." But by his own argument unorthodox Communists cannot exist. In a final effort to hold on to tenure while undercutting the principle of academic freedom, he suggests that certain questions should have been put to Butterworth and Phillips in default of which he is really not in a position to judge their cases! Here are the questions:

[7] "Communism versus Academic Freedom," *American Scholar*, summer 1949, p. 332. Dr. Lovejoy, incidentally, helped to initiate the movement which resulted in the formation of the American Association of University Professors; he also contributed the article on "Academic Freedom" to the *Encyclopedia of the Social Sciences*. For an interesting account of his views on academic freedom during the First World War see *Are American Teachers Free?*, p. 24.

1. Are you aware that the political program of the Communist Party is the setting-up of a one-party dictatorship, and that, wherever it has attained power, it has established such a dictatorship?
2. Do you reject this program, and will you publicly declare that you reject it?
3. Do you also reject the teaching of Lenin that a party member should, when it will serve the interest of the movement, resort to any ruse, cunning, unlawful method, evasion, and concealment of the truth?
4. If you reject these features of the Communist doctrine and practice, are you willing to give proof that you do so by resigning from the party?

Dr. Lovejoy frankly admits that negative answers to these questions would be evidence of "incredible ignorance" or "falsehood" and then adds that either would be a sufficient ground for dismissal in itself! Thus he admits that he has prepared a set of questions to which there can only be one answer. In short, what he has done is to devise a catechism to catch heretics rather than a formula to test the truth. What Dr. Lovejoy's questions amount to is simply this: Communists should not be permitted to teach but since Butterworth and Phillips have permanent tenure — a most embarrassing fact — they should be given a chance to protect this tenure by resigning from the Communist Party. Should they prove to be stubborn — a fatal weakness with heretics — then they should be dismissed for "incredible ignorance" or "falsehood" and not, of course, for their beliefs.

This argument, it will be noted, is really the reverse of the argument advanced by Sidney Hook. Hook insists that membership in the Communist Party is punishable as *an act;* but Dr. Lovejoy is concerned with beliefs. He insists that Butterworth and Phillips should be compelled to convict themselves; he wants a confession of heresy on the record. Hook would not favor the dismissal of a teacher who believed in the Russian system but was not a member of the Communist Party; but Lovejoy would make belief the basis of dismissal. To be true, he uses the phrase "a member of" in Theorem No. 4; but his argument would apply

with equal force to the individual who subscribed to the tenets of Communism but was not a member of the Communist Party.

The Lovejoy argument is really the modern version of the familiar "tit-for-tat" delusion which has been used to justify every witch hunt in history. Communists do not believe in freedom from compulsory self-incrimination; therefore members of the Communist Party should be denied this right. The Communists do not believe in academic freedom as we define the concept; therefore Communists should be denied the protection of this right. By the same token the right to practice law should be denied to those lawyers who have shown an interest in social systems which do not guarantee the civil rights set forth in the first ten amendments to the Constitution. Similarly the right of suffrage should be denied to those who believe that this right is not always and everywhere and under all conditions enforceable or practical.

To protect his argument against this extension, Sidney Hook has given wide currency to Justice Holmes's famous remark about the New Bedford policeman. A policeman may have a constitutional right to talk politics, said Holmes, but he has "no constitutional right to be a policeman." By analogy, therefore, a citizen may have a constitutional right to be a Communist but no Communist has a constitutional right to be a teacher. But what were the facts in *McAuliffe* v. *New Bedford?* [8] Called to testify as a witness before a grand jury in a criminal investigation then pending, a policeman declined to testify on the ground that his testimony might be self-incriminating. For his refusal to testify, under these circumstances, he was later disciplined as a policeman. Now, if a teacher employed to teach history were to refuse to explain what he was teaching, on the ground that his testimony might be self-incriminating, the application of Justice Holmes's remark would be pertinent. Hook, of course, clearly quotes the remark out of context. The issue in such cases, as Justice Harry E. Schirick of the New York Supreme Court has pointed out, is not whether there is a constitutional right to teach, but whether the ground asserted for denying this right or privilege, whatever it is,

[8] 29 N. E. 517.

is one which is protected by the Constitution against legislative encroachment.

The confusion about the New Bedford policeman is part and parcel of the fallacy that it is possible to abrogate the political rights of a minority without giving the minority a chance to raise constitutional objections. This might be described as the "one right removed won't hurt" fallacy. The British Protestants, as Macaulay pointed out, were addicted to the notion that "the Catholics ought to have no political power. . . . Give the Catholics everything else; but keep political power from them." But, as Macaulay demonstrated, the distinction between civil privileges and political rights, is a distinction without a difference; "*privileges are power*." To say that an American citizen shall be protected in all his rights *except* that he shall not be a teacher, a policeman, a government employee, or a writer in the motion picture industry, is in effect to abrogate his citizenship. The totality of these and other privileges is what makes citizenship valuable.

Once heretics have been stripped of political rights, they might as well be stripped of all rights. "If it is our duty as Christians to exclude Jews from political power," wrote Macaulay, "it must be our duty to treat them as our ancestors treated them, to murder them, and banish them, and rob them. For in that way, and in that way alone, can we really deprive them of political power." Forcing the Communist Party off the ballot would not deprive Communists of political power; as long as they could raise funds or influence votes they would have political power. To be effective, therefore, the curtailment of rights must be total. "If we do not adopt this course," wrote Macaulay of the Jews, "we may take away the shadow, but leave them the substance. We may do enough to pain and irritate them; but we shall not do enough to secure ourselves from danger, if danger really exists. Where wealth is, there power must inevitably be."

It is dangerous, therefore, merely to harass and irritate a minority. Although they may not realize it, the advocates of second-class citizenship for Communists and other heretics, based on a piecemeal denial of rights, would put the state in the position

of having declared war upon certain categories of citizens. That the state may elect to wage this war within certain limitations of severity, or that it may seek to mask its warlike intentions by "testing the loyalty" of heretics before issuing edicts of outlawry, does not change the consequences which arise when the state withdraws its obligation of protection from certain groups of citizens. The principal consequence, of course, is to make outlaws of those from whom rights have been arbitrarily withdrawn.

When the exercise of rights is made to turn upon the possession of "proper" beliefs, the effect is to divide society into warring factions; into citizens and outlaws; into "we" and "they." This consequence appears with startling clarity in Dr. T. V. Smith's version of the Lovejoy argument. "*We* do not owe anybody the right to destroy what it is *our* duty to maintain. But *we* may owe *ourselves* as democrats a duty which *we* do not owe *those* who warn *us* in advance of what *they'll* do to *us* and *our* schools when *their* suborned teaching enables the *crouching comrades* to seize *our* power. . . . Duties which *we* owe merely to *ourselves* are of course limited to *our* advantage. . . . *Our* duty is in fact to maintain for *ourselves* the freedoms without which *we* cannot be good teachers. To make *their* rights the first line of defense of *our* freedom foredooms *us* to lose that fight."[9] (Emphasis mine.)

The great merit of this argument is that it is utterly devoid of double-talk. It states, with complete candor, the proposition that the question of what rights shall be accorded citizens who are Communists is solely a matter of expediency. Having determined what rights we shall allow them, "we can move to co-operate with the un-American activities committees of nation and state; for they are within their rights even when they are off their manners. . . . We do not need to be on the defensive about Communists. We owe them nothing." We should sacrifice them with a good conscience when it is inexpedient to defend them and with gladness when it serves a purpose which we owe to ourselves "professionally and to our kind patriotically." This

[9] *American Scholar*, *supra*, p. 343.

places the whole question of civil rights for Communists on about the same footing that the Nazis placed the question of what should be done with the Jews. From this point of view, it might be politically expedient to retain Communists on university faculties if it served our foreign policy or if they were few in number, nationally, and were behaving themselves properly. That there might be any difficulty in distinguishing between the "we," with rights, and the "they" without rights is a matter apparently of little concern to T. V. Smith. But it might disturb him very much someday if the political pendulum were to swing to the other extreme and he suddenly found himself in the "they" category.

In a period of great political tension, it is impossible to purge faculties of partisans from both extremes. What then passes for "impartiality" and "objective teaching" is an intense partisanship of the right. "If it were possible," writes Dr. Robert P. Pettengill, "to purge college faculties of all external restraint upon free inquiry and free teaching, I would favor action toward that end. But it is impossible. You can only purge one group. And the purge frightens those who remain so that the total amount of external restraint increases. The fear of being accused of heresy causes professors to lean over backward to avoid teaching anything which might make them suspect. . . . And those in the pay of approved groups or dependent upon their favor will continue as now to violate the standards of free inquiry and free teaching in the name of which we would purge Communists." [10]

3. TO WHOM IS THE TEACHER RESPONSIBLE?

The basic argument for the purge of Communist instructors is that a state university must yield to the demands of the legislature however outrageous these demands may be. As one member of the trial committee in the Seattle case observed: "The people are sovereign in respect to American public education. They have the right to establish the policies governing the conduct of

[10] *Los Angeles Times*, May 19, 1949.

educational institutions." The argument, in fine, is that since the legislature has the power to oust Communists from the faculty, the administration must take this action whenever the legislature indicates that it should be done.

Underlying this notion that a legislature has unlimited control over a state university is the idea that the policies of a state university must conform to the climate of political opinion as measured by a public opinion poll. This idea in turn, as Dr. Henry Nash Smith has pointed out, ". . . rests on a conception of primitive tribal cohesion that would restrain intellectual diversity and disagreement for the sake of organic integrity in the social group" whereas it is the primary responsibility of a university to maintain ". . . that constant play of mind over all the possibilities of human existence which is the life of culture." When a fear of the future spreads throughout a society, the fear often gives rise to a desire to mobilize for defense, "to strengthen the society's powers of survival at whatever cost to its powers of growth and flexibility." At such moments, societies react almost reflexively; exposed parts are quickly pulled under the shell of "security" as society "freezes," taut and tense. It is at such moments that unreflecting spokesmen invariably demand that differences of opinion should be suppressed for the sake of security.[11]

There is always a special quality about this fear of the future. It is not a fear of any one thing but of everything and anything, of war, economic disaster, "alien" philosophies, "foreign enemies," the exhaustion of resources, and many minor phobic fears. The very ambience of these fears endangers the whole domain of free thought. The least tolerable are those differences of opinion which imply some agreement "with the enemy." Hence the first effort to enforce orthodoxy always takes the form of punishing supposed agents of the enemy but, as Dr. Smith has pointed out, "the fear to which these efforts give expression is much broader and vaguer than a simple fear of Russia. *It is of any sort of vital disagreement—in short, of heresy*." (Emphasis mine.) In the very nature of things, this fear can never be appeased. Every yielding to it only further distorts the image of "the enemy"

[11] *Pacific Spectator*, summer 1949, p. 329.

and each distortion brings new demands for additional repressive measures.

Here, then, was the real situation in Washington: "The legislature grows fearful, and seeks relief from its fears in the standard device of an investigating committee. The committee, presumably with ample help from the newspapers, sets about purifying the University. *This situation, and not the presence of a few Communists* on the faculty, contains the really serious threat to higher education." (Emphasis mine.) It is this fear which threatens not merely academic freedom but the whole structure of civic freedom in America today. The schools and colleges, however, have a special relevance to the fear since they are so highly prized by the people. Merely to suggest that the schools are being subverted will always bring forth a protest from the people. Hence universities must be specially safeguarded against this fear which can stampede a legislature into the most absurd, and dangerous, measures. And the way to shield a university from the endless restraints and impositions of a fear-ridden legislature is to see to it that the process of legislative intervention is checked at the outset by defending the right of Communists and non-Communists alike to responsible freedom of opinion and freedom of speech.

This does not mean, of course, that academic freedom is an absolute right or that teachers enjoy complete freedom. The vexing question of the teacher's responsibility was given brilliant analysis by Dr. Alexander Meiklejohn some twenty years or more ago and his conclusions have stood the test of time. The question, as he pointed out then, has two aspects: "responsible for" and "responsible to." The teacher is responsible for his students; not to them. He is responsible on behalf of parents but not to them. No teacher worthy of the name would ever agree that the success or failure of his teaching was to be judged by what parents thought of it. Nor is the teacher responsible to the public. "More than anything else," wrote Meiklejohn, "the public interest of a democracy demands that its learning and teaching shall be free, shall not be subject to popular pressure or review. . . . No democracy can afford to have either its courts or its learning subject

to its own whims, its caprices, its ignorances, or even its common sense." [12]

Is the teacher, then, responsible to the donors, the fund raisers? The question answers itself for if the donors retained the power of control, they would deny their own competence; they make donations because they think other persons are more competent to instruct the young than they would be. Is the teacher responsible to the trustees, the regents? Legally yes, since they have the power; but "a college in which the faculty and president were overruled on academic issues would be something other than an institution of learning." To the state, then? "No state is safe either for itself or for its people, unless its basic principles as well as its customary procedure are open to the free and unhindered criticism of its citizens. And in this sense our schools and teachers are foremost in the work of critical understanding. Every free people knows that its state is an instrument of its will which must be constantly studied and examined, which must be kept true and made even more true to the purpose which it serves. It follows that no free people will allow its state to restrain its scholars and teachers."

To whom, then, is the teacher responsible? And here is the answer: "As against the truth which scholars have there is the truth for which they strive." This truth is rarely achieved but to it the teacher is responsible, for ". . . somehow in the very nature of the world itself there is a meaning which we seek, a meaning which is there whether we find it there or not. That meaning is the final standard of our work, the measure of all we do or hope to do or fail to do. To it we are responsible."

[12] *Freedom and the College*, 1923.

X

The Verdict of the Educators

As THE GREAT DEBATE moved forward it became increasingly imperative that the educational organizations should take a position. Of these, the National Education Association is the largest and, by all odds, the most influential. With an active membership of 400,000 — made up of teachers, principals, superintendents, and other school officials — it claims a total or affiliated membership of twice this number. "Its policies," according to Benjamin Fine, "are frequently put into practice in schools throughout the nation." The manner in which the N.E.A. decided the Communist issue, it was generally recognized, would constitute the verdict of American educators on the Great Debate.

1. WAS THE JURY INTIMIDATED?

In June 1949, the Educational Policies Commission of the N.E.A. issued a report on *American Education and International Tensions* which was clearly intended as a brief in support of the campaign to put the membership on record against the employment of Communist teachers. The major premise of the report, which was released on June 8, is to be found in the statement that the cold war "will continue indefinitely without armed conflict." [1] And its most important recommendation is simply that "members of the Communist Party of the United States should not be employed as teachers."

The verdict, of course, was exactly what the public expected. Dr. Earl J. McGrath, U. S. Commissioner of Education, promptly presented the report to the President and briefed Mr. Truman on

[1] Page 4 of this report.

the politics of American education. The next day Mr. Truman publicly endorsed the report, referring specifically to the recommendation on Communist teachers. On the basis of this careful build-up, the adoption of the report by the membership was a foregone conclusion. Failure to endorse now would be tantamount to a vote of censure of the nation's foreign policy and a rebuke to the President.

One month later, the 87th Annual Convention of the N.E.A. was called to order in Boston. At a special session called to discuss the report in a preliminary way, some 250 delegates insisted on endorsing the recommendation that Communists should be barred as teachers. When a representative of the Teachers Union spoke against the recommendation, she merely succeeded, according to the press report, in making the chairman "very angry." "You should know," he informed the delegates, "that the lady who just spoke represents an organization that consistently follows the Communist Party line." [2]

The next day the report came before the main body of the delegates and was overwhelmingly adopted. In taking this action, reported Benjamin Fine, "the teachers made American educational history." More than one editorial referred to the vote as the most important ever recorded by American educators. As the delegates prepared to vote, Dr. John K. Norton of Teachers College made a speech in which he said that "nothing so important as Communists being permitted to teach has come before the N.E.A. in the last thirty years. . . . The country is looking at what we do in the next half hour." Actually the report was scheduled to come before the convention at another time and both the debate and the vote were out of order and took place under circumstances described as "tumultuous and confused." Later the convention voted approval of a resolution barring Communist teachers from membership in the association. A standing vote was ordered when one educator demanded that the dissenters "stand up and be counted." Five delegates stood up.

"The educators recognized that it would be a difficult task to detect and ferret out Communist teachers from either the N.E.A.

[2] See *N. Y. Times,* July 6, 1949.

or the classroom," reported Benjamin Fine, "and they insisted that the campaign against Communist teachers be conducted in a thoroughly democratic fashion; that no one should be unjustly accused; that no 'witch hunts' should take place. Only the bona fide dues-paying Communist teacher, the educators held, should be hounded out of the schools." [3] Communist teachers — and note the phrasing — are to be "hounded" out of the schools in a "thoroughly democratic fashion." At some future convention, the N.E.A. may be called upon to define the procedures by which this resolution can be implemented. Will it approve, for example, the suggestion made by a spokesman for the Board of Higher Education of New York that the screening process should start with the admission of students to the teachers' colleges? [4]

The same convention that considered the Communist issue heard the report of the Committee on Tenure and Academic Freedom which brought out these facts: (1) that 22 states have adopted oath-of-allegiance requirements for teachers; (2) that 8 states in 1949 considered bills to authorize the dismissal of teachers because of membership in "subversive" organizations; (3) that 5 states in 1949 adopted laws which involve new restraints upon the intellectual freedom of teachers; (4) that 38 states have general sedition laws, 21 states forbid seditious teaching, and 31 states forbid teachers belonging to groups which advocate sedition; (5) that 12 states authorize the dismissal of teachers for "disloyalty," undefined; and (6) that 2 states authorize "checks" on the loyalty of teachers.

Viewing these developments "with alarm," the N.E.A. went on record against loyalty oaths. Still more recently the Educational Policies Commission has issued a sharp warning against the dangers of loyalty oaths for teachers. But how can an organization on record against the employment of Communists as teachers logically object to loyalty oaths and investigations? Mrs. Johanna M. Lindlof, an influential member, has attempted to explain the contradiction by saying that loyalty oaths are ineffective in ousting Communists since "a disloyal teacher will not

[3] *Ibid.*, July 10, 1949.
[4] *Ibid.*, September 16, 1949.

hesitate to sign any kind of oath." But what are the facts? In 1942 the Rapp-Coudert Committee reported to the New York Legislature that 69 Communists were teaching in the public schools. Subsequently these teachers either resigned or were removed and in virtually every case the ouster came about as a result of false denials under oath of Communist Party membership. It would seem, therefore, that loyalty oaths can be effective in weeding out Communist teachers.[5] By going on record against loyalty oaths, the N.E.A. has put itself in the curious position of refusing to implement its policy statements on the employment of Communists and their disqualification as members. Just what, then, was the meaning of the adoption of these resolutions?

Some valuable clues to an understanding of the N.E.A.'s inconsistent behavior may be found in Dr. Howard K. Beale's study, *Are American Teachers Free?* (1936). According to Dr. Beale, the N.E.A. has never shown much interest in academic freedom (it first appointed a committee on the subject in 1934); and for many years, the organization was largely responsible for blocking the tenure movement for teachers in the United States.[6] "During the days of red-baiting (after the First World War)," writes Dr. Beale, "one waited in vain for a pronouncement from the N.E.A. in defense of 'radical' teachers." Instead the N.E.A. proceeded to join with the American Legion, and other organizations, in a general witch hunt. Its current policy statements, therefore, would seem to be in line with a traditional policy adopted long before the present crisis in Soviet-American relations.

Today more than half the nation's 900,000 public school teachers lack even the simplest tenure protection and can be dismissed without explanation, notice, or a statement of reasons.[7] In this fact may be found, perhaps, the real explanation for the N.E.A.'s hysterical resolution of the question: "Should Communists Be Permitted to Teach?" Lacking tenure, how could the members

[5] See article by Leon Egan, *N. Y. Times*, September 18, 1949.

[6] See pp. 683–695.

[7] See "Education in Review" by Benjamin Fine, *N. Y. Times*, October 2, 1949.

of the N.E.A. fail to concur in a policy statement which was put up to them, in effect, by the President of the United States? By adopting these statements, the members were proving to the public, and to their employers, that they were loyal, trustworthy, and opposed to heresy. In the guise of declaring war on Communism, they were seeking a measure of security. What they feared was not the presence of a handful of Communist teachers but the possibility of their being caught up in the surge of anti-Communist demagoguery. According to a Gallup Poll of September 21, 1949, 73 per cent of the American people believe that Communists should not be permitted to teach, even in colleges and universities. Naturally the public school teachers were afraid of being put in a position of even apparent opposition to this majority sentiment. On the other hand, many of the people who participated in the Gallup Poll unquestionably voted against the employment of Communists because they, too, feared the slightest identification with the heresy of Communism. As in all witch hunts, the fear of being mistakenly identified as a witch stimulates and sustains the belief in witchcraft.

The economic insecurity of teachers, however, has a further relevance to this fear. By "pure coincidence," according to the press, the report of the Educational Policies Commission was released on the same day, June 8, that the House Committee on Un-American Activities acknowledged that it had sent out requests to 81 colleges and high schools for lists of textbooks in the following fields: literature, geography, economics, government, philosophy, history, political science, "and any other of the social science groups." Could it be that the N.E.A. had decided to launch an attack against Communist teachers as a means of avoiding, if possible, a textbook investigation? [8]

The N.E.A. is on record, of course, against the proposed textbook investigation. But if a Communist teacher is objectionable, then surely a Communist text is objectionable. If teachers cannot be trusted politically, then they cannot be trusted to eliminate Communist texts. The recommendation that Communists should not be permitted to teach implies that there are teachers who are

[8] See story by Bess Furman, *N. Y. Times*, June 9, 1949.

Communists. If there are teachers who are Communists, there may well be Communist texts and teaching materials. Yet the N.E.A., while denying the right of membership to Communists, and opposing their right to teach, is against loyalty oaths, textbook investigations, and denounces as "thought control" any attempt to restrict the political activities of American teachers!

Simultaneously with the N.E.A. convention in Boston, the American Association of University Professors reaffirmed its traditional stand that membership in the Communist Party, so long as the party is a legal party, should not preclude one from being a teacher.[9] Although the A.A.U.P. has had vastly more experience with academic freedom issues than the N.E.A. its position was lightly glossed over by the press. Editorial writers who had endorsed the stand of the N.E.A. uniformly opposed the stand of the A.A.U.P.[10]

At the same time, still another related issue failed to attract the public's attention, namely, the right of members of various Catholic religious orders to teach in the public schools. On March 10, 1949, Judge E. T. Hensley, in New Mexico, handed down a decision permanently barring 143 priests, nuns, and brothers from teaching in 26 tax-supported schools in the state.[11] These individuals were barred, however, for specific reasons: the teaching of sectarian doctrine, the installing of crosses and religious pictures, the hanging up of emblems and statues and the like. Somewhat later an initiative measure requiring members of Catholic religious orders to appear in secular garb if they were to continue teaching in the public schools was adopted in North Dakota (where 75 Catholic sisters were teaching in a public school system that included 6500 teachers). In both cases, the arguments used were very similar to those advanced to justify the ouster of

[9] *N. Y. Times*, July 11, 1949.

[10] See two editorials in the *Denver Post:* "They'll Keep the House in Order Themselves," July 8, 1949, praising the N.E.A.'s position, and "The Professors Confuse Our Academic Freedoms," July 13, criticizing the position of the A.A.U.P. Also see *San Francisco Chronicle*, July 7 and July 18, 1949.

[11] See "Church and State in New Mexico" by R. L. Chambers, the *Nation*, August 27, 1949.

Communist teachers. Members of the Catholic religious orders were not "free agents"; they failed to distinguish between teaching and advocacy; they had "dual loyalties," and so forth.

The fact that these issues were not related to the question discussed in the Great Debate indicates that the resolution of the problems of Communist teachers by the N.E.A. was not so much a reaffirmation of faith in democratic values as a tactical maneuver designed to align educators and teachers with the forces supporting the foreign policy of the administration in power. This tendency to demand ideological conformity from all professional and occupational groups exists today, in varying degrees, in almost every nation and the demand is being voiced in this country with a steadily increasing arrogance and insistence. For we live, as Stephen Spender has pointed out, in a world in which "everything follows automatically from the dominant policy," whatever that policy may be. Total diplomacy seems to imply total conformity.

Just how far this tendency has gone and how arrogant the demand for conformity has become may be illustrated by a recent development in the New York schools. Following the suspension of eight teachers for failure to state whether they were or were not members of the Communist Party, the Board of Education, by a vote of 7 to 1, barred the Teachers Union, Local 555, United Public Workers, from all official dealings with the city's public school system. The eight suspended teachers were all members of this union. In a brilliant but lonely dissent, Mr. Charles J. Bensley pointed out the meaning of the majority's decision: "If the privilege of representation by the Teachers Union is denied now, what then is the next logical step? Conceivably, any member of the Board of Education who finds himself in disagreement on any issue with any teachers organization, may then introduce a similar resolution on the grounds that such organization is disruptive. The issues of the moment, however grave they be, must not blind us so that we would sweep aside basic rights inherent in our American democratic heritage." [12]

[12] *N. Y. Times*, June 2, 1950, story by Murray Illson. For other stories by Mr. Illson see same source, May 4, 5, 19, and 20, 1950.

The deterioration in democratic rights for teachers has therefore followed this path: (*a*) the denial that a teacher, otherwise competent and properly accredited, can teach if the teacher is a Communist; (*b*) the denial to such teachers of the right of membership in associations of teachers and educators; and (*c*) the denial to teachers of the right to be represented by unions of their own choice. For example, the American Federation of Teachers, meeting in Milwaukee, revoked the charter of Local 430 — the Los Angeles local — on a charge that that union followed left-wing policies; and, in similar fashion many unions have expelled members on a charge that they were Communists.[13]

Thus any teacher can be placed in mortal danger by any supervisor who cares to hurl the charge of "Communist" and the whole structure of rights, including the right to be represented by unions of the teacher's choice, comes tumbling down. For there is really no defense to the charge in the present climate of opinion; and just how, indeed, does one go about the task of proving that he is *not* a Communist? In short, any opposition — to the government's policies, to the school board's policies, to trade union policies — can be silenced simply by hurling the charge of heretic. No finer technique was ever invented for silencing an opposition and for ruling without argument, debate, discussion, or consent.

2. *THE SENTENCE COMES FIRST*

> "No, no!" said the Queen. "Sentence first — verdict afterward."
>
> — *Alice in Wonderland*

Shortly after the Regents had acted in Washington, Governor Thomas E. Dewey signed the Feinberg Law by which the New York Legislature in effect re-enacted the notorious Lusk Laws of 1921. Declared constitutional by the Appellate Division, Second Department, on March 3, 1950, the Feinberg Law warrants atten-

[13] *Ibid.*, August 28, 1949.

tion as the outstanding antiheresy enactment of 1949. The legislation was rushed through the closing hours of the session without public hearings and with little debate. So slight was the consideration given the measure that it was assumed that the governor would request the Regents or the Department of Education to submit an analysis of the bill before he signed it. As a matter of fact, a memorandum urging a veto was actually being prepared by the Department of Education when word arrived that Governor Dewey had signed the bill almost as hurriedly as it had been rushed through the legislature.[14]

Here is Judith Crist's explanation for the extraordinary ease and dispatch with which the measure was adopted. "Although there are three reliable liberals on New York City's nine-man school board, only one dared speak openly against the Feinberg law . . . and when the law was under consideration by the board, he had voted in approval. The State Commissioner of Education and many members of the Board of Regents were known to be opposed to the proposed bill from the start, but were silent. The individual teacher knew of course that he could not with any safety speak out against a law that in the future could be applied against him. But why did so many liberals choose to sit this one out? Because the Communist Party, by leading the fight against the Feinberg law, had put the kiss of death on all others who opposed it. Who dared to ally himself with the Communists?" [15] Doubtless this was the explanation offered by the liberals but the fear of being allied with Communists manifests a fear of anti-Communist demagogues. Mere aversion to Communism and Communists would hardly account for the failure of teachers to oppose such drastic legislation. The teachers, the major interest-group involved, were obviously intimidated by the fact that active opposition could be cited as evidence of subversive inclinations should the legislation be enacted.

At the time the Feinberg Law was passed, New York already had a law requiring teachers to take an oath of loyalty. Indeed

[14] See *N. Y. Times*, April 2, 1949.
[15] See the *Nation*, December 10, 1949.

the declaration of policy in the Feinberg Law recites, as one of the reasons for the act, that "the propaganda disseminated by Communists in classrooms is frequently *so subtle as to defy detection.*" (Emphasis added.) Witches, it will be remembered, were supposed to practice a necromancy too subtle for ordinary laymen to fathom. If classroom propaganda is too subtle to be detected by experts listening to recordings, could it possibly be effective propaganda?

The Feinberg Law, of course, fails to define the word "subversive." To remedy this defect, the Regents created a committee to study the matter and to define their responsibilities. Only five organizations had been placed on the list when the law went into effect on July 1, 1949: the Communist Party; the Socialist Workers Party; the Workers Party; the Industrial Workers of the World; and the Nationalist Party of Puerto Rico. At first the Regents refused to hold open hearings but they finally consented to hear from these organizations. The hearing, however, was held *after* the organizations had been listed as subversive. This, of course, is in line with the novel current theory of due process: sentence first and then the verdict.

Having settled the problem of what organizations were "subversive," the Regents then adopted a set of rules and regulations of which the following are the pertinent provisions: (1) Before appointing any superintendent or teacher the nominating official shall make a personal investigation of the "loyalty" of the applicant. (2) School authorities are required to designate one or more officials to prepare written annual reports on the loyalty of each teacher or employee. (3) The school authorities, in turn, are ordered to report on the superintendents. (4) Membership in any organization listed as subversive shall, within ten days after the organization is listed, constitute "prima facie evidence of disqualification." (5) Past membership in any such organization shall be "presumptive evidence" that membership has continued, thereby casting on the teacher the burden of proving termination in good faith. Dr. Francis T. Spaulding, State Commissioner of Education, commented on these regulations as follows:

> The writing of articles, the distribution of pamphlets, the endorsement of speeches made or articles written or acts performed by others, all may constitute subversive activity. Nor need such activity be confined to the classroom. Treasonable or subversive acts or statements outside the school are as much a basis for dismissal as are similar activities in school or in the presence of school children.[16]

Shortly after the law went into effect, Dr. William Jansen, Superintendent of Schools in New York, announced that 6 of a total of 40,000 teachers and employees were under investigation. Can it be that this drastic legislation was called forth by such a ludicrous disproportion between "loyal" and possibly "disloyal" employees? "Principals," reads the news account, "will file reports with Dr. Jansen on all teachers and clerks in their schools. The principals will, in turn, be checked on by assistant superintendents. Bureau heads will file reports about janitors. The Board of Education, as a whole, has the responsibility for ascertaining Dr. Jansen's loyalty." [17] But what about the loyalty of the board? And who tests the loyalty of the voters?

Despite the stringency of the rules and regulations, Mr. John P. Myers, Vice-Chancellor of the Board of Regents, gravely reassured the teachers that ". . . nothing under these rules will in any way interfere with the freedom of any individual to join, affiliate or associate with, support, or oppose any organization, liberal or conservative, which is not disloyal to our form of government." [18] This reassurance will be of slight comfort to the teachers of New York now that the act has finally been upheld in the courts. Drastic as were the Lusk Laws of 1921, they were mild by comparison with the strait-jacket provisions of the Feinberg Law. Yet when an effort was made to set up a committee to work for the repeal of the law, the Catholics refused to work with representatives of the American Labor Party; the Teachers Guild (AFL) refused to participate with the Teachers Union (CIO); and the movement soon collapsed. Both the enactment of the

[16] *N. Y. Times*, July 23, 1949.
[17] *Ibid.*, September 13, 1949.
[18] *Ibid.*, July 16, 1949.

Feinberg Law and the failure to repeal it may be traced to the dangerous susceptibility of democratic leaders to the hypnotic power of anti-Communist demagoguery. In this crucial test, the democratic leadership capitulated without a struggle and with scarcely a protest.

XI

In Dubious Directions

> Today we are living in an ideological devil's cauldron, with ourselves and all our values tossed about and obscured. This . . . is one of the great historical eras of institutional change . . . a time when the institutional chunks of our culture grind against each other in a movement so vast as to dwarf the individual. Never before in our national life have the will and the voice of a single man of integrity and good will seemed so impotent; only group action any longer counts for social change, and the middle class man can find no group with whom to move except those carrying old banners in dubious directions.
>
> — DR. ROBERT S. LYND

In recommending the ouster of two Communists from the faculty, President Raymond B. Allen took occasion to point out to the Regents of the University of Washington that the pursuit of truth must be not only "so objective that it will withstand the fire of criticism" but so impartial as not to offend "the tough, hard-headed world of affairs." This is tantamount to saying, of course, that the pursuit of truth must lead to socially neutral conclusions or to conclusions that find support in the tough, hard-headed world of affairs. In placing this severe limitation on the pursuit of truth, Dr. Allen is the victim of a false idealism.

It is, of course, no answer to the problem of Communism to point out that we have permitted this tough, hard-headed world of affairs to control the higher learning in America; but, if true,

this fact should warn us against "carrying old banners in dubious directions." It should also demonstrate that the removal of a handful of Communist teachers will not "free" American education. The idealists who have urged the removal of Communist instructors in the name of "academic freedom" have maintained a truly remarkable silence about the encroachment of the tough, hard-headed world of affairs on the freedom of American colleges and universities.

1. THE TRUSTEE AND THE COMMISSAR

The commissars who direct the higher learning in the Soviet Union do so by forms and processes that are as plainly coercive as a club in the hands of a policeman. But there are several different kinds of clubs, some visible, some invisible, and comparisons are generally invidious and futile for each society uses the type of club it finds most effective. The discussion of clubs, moreover, can skid off into a comparison of the relative disadvantages of different forms of coercion. On this basis alone, one may sensibly conclude that coercion by commissars is much worse than coercion by trustees.

Under any form of government, the control of education is a basic public question and "the higher learning" is the crucial phase of the problem of control. For example, it is significant that the debate about Communist teachers has been largely addressed to the question of Communist teachers in colleges and universities. Control of higher education has always implied control of the entire education system for it implies control of what shall be taught, by whom, and by what methods. But, of recent years, the control of higher education has acquired an even greater strategic significance. In the first place, the number of students has greatly increased: from 237,592 college students in 1900, constituting 4 per cent of the college age youth, to 1,494,203 students, or 15.6 per cent of the college age youth, in 1940. Today some 2,354,000 students are enrolled in American colleges and universities.[1] The

[1] Vol. VI, Report President's Commission on Higher Education, p. 19.

great expansion in all types of scientific research, and the relevance of this research to industrial requirements and military strategy, have given the control of higher education an entirely new significance. And these factors, of course, merely serve to emphasize the increasingly significant role which institutions of higher learning have come to play in influencing social change. On this score, too, the importance of the social sciences can hardly be overemphasized. Slight wonder, then, that the control of higher education has become a major strategic objective in the struggle between rival ideologies and conflicting social forces.[2]

Between the Civil War and the turn of the century, the control of American colleges and universities passed from the hands of clergymen into the hands of businessmen and politicians. In 1860 clergymen comprised 39 per cent of the trustees of private institutions of learning; but by 1930 they made up only 7 per cent of the board members. In a study made in 1936, Dr. Earl J. McGrath pointed out that "the control of higher education in America, both public and private, has been placed in the hands of a small group of the population, namely, financiers and businessmen. From two-thirds to three-fourths of the persons on these boards in recent years have been from this group." [3]

One is told, of course, that it is entirely "natural" and "necessary" that businessmen should dominate the boards of American educational institutions. The inference, obviously, is that businessmen are selected as trustees because of their business acumen and their ability to stimulate the flow of funds. But Veblen was the first, perhaps, to discover that businessmen are selected as trustees primarily to enforce conformity to orthodox opinions and observances; whereas the clergymen, ironically enough, are extremely active and effective fund-raisers. The function of the businessman as trustee is to exercise close surveillance over the college in the interest of the business world.

Dr. Hubert Park Beck recently analyzed the backgrounds of 734 trustees making up the governing boards of 30 leading American universities (carefully selected on the basis of accepted cri-

[2] See comments by Harold J. Laski, the *Nation*, August 13, 1949.
[3] *Educational Record*, Vol. XVII, April 1936, pp. 259–272.

teria of excellence and leadership). Of this number, only 36 were "educators" in any sense; only 6 came from the fine arts; 7 were farmers (1 per cent of the total); 48, or 6.6 per cent, were clergymen; while 71 per cent were businessmen, proprietors, managers, lawyers, or officials holding key directorships in business. In short, two thirds of the trustees came from the world of business. Only one of the 734 trustees had a trade-union background; and there was no representation from the white collar or clerical group or from the world of the small tradesman. It should be noted, moreover, that both private and public institutions were included in the survey.[4]

Identification with the business community does not necessarily imply class bias; but the businessmen in this study were not just ordinary businessmen — they represented the elite of the business world. The average net taxable annual income of half the trustees included in the survey was $102,000. Nearly half the total were sixty years of age or over; only 35, or 3.4 per cent, were women; 417 were Protestants, 54 Catholics, and 9 Jewish; and, of half the group, 259 were Republicans, 161 Democrats, and 22 belonged to some other political category. Approximately 437 were club members and one third were listed in the *Social Register*. These and other facts cited in the study justify Dr. Beck's conclusion that the control of the higher learning in America shows "a biased class structure. . . . Unavoidably, the heavy dominance of a single major social class . . . provides an opportunity for subtly perverting the great resources and potentialities of higher education from the service of society as a whole to the service of a special class — the highly privileged class to which the board members principally belong."[5]

It will be said, by way of reply, that this state of affairs merely reflects the sudden emergence of business as a system of power and that, later on, better balanced boards will be elected. But trustees, unfortunately, are not "elected"; they are either appointed or "co-opted." Co-optation is, by all odds, the most common method — that is, the filling of a vacancy by vote of the

[4] *The Men Who Control Our Universities* by Hubert Park Beck, 1947.
[5] *Ibid.*, p. 143.

remaining trustees or board members. As a consequence, Dr. Beck points out that the places of deceased members, and those who resign, tend to be filled by men of the same generation and the same political, religious, and social outlook. "Practical experience . . . shows conclusively that self-perpetuating boards are exposed to the risks of becoming devitalized through active and inactive conservatism which comes from social and class inbreeding." [6]

Most anomalous in a democracy is the fact that American trustees exercise their powers without the consent of the governed. Neither the faculty nor the students can review or veto board decisions. The omnipotence of the trustees, in fact, is so commonly the rule that we tend to accept it as a universal aspect of higher education; actually the practice is almost unknown outside the North American continent. Elsewhere both students and faculty have always been given a real voice in the control of university affairs. The general European practice, in this respect, has always been more "democratic" than the American.[7]

Nor are American trustees figureheads or dummies. They have real power. They select the president who, in the American system, has important executive powers. The trustees generally can approve or veto the president's recommendations for appointments, promotions, transfers, demotions, and dismissals. The president proposes; the trustees dispose. Their control of the budget is crucial. It is this control which creates the illusion of unlimited freedom; only those research projects, for example, can be carried forward for which provision is made in the budget. It is more polite, of course, to limit the range of inquiry in advance but it gives the instructor the illusion of a freedom which, in point of fact, he does not possess.

The president, in the American system, has increasingly come to occupy a role analogous to that of the chief executive in a factory or business. His functions, as a "captain of erudition" rather than as "a captain of industry," are largely strategic. To this end, he must have an administrative staff which is loyal to

[6] *Ibid.*, p. 117.

[7] *The American Democracy* by Harold J. Laski, 1948, p. 345; also Beck, *supra*, p. 30.

him; the whole university personnel must be organized along much the same lines as the management staff of a large corporation, while the academic staff tends to become, as Veblen noted, "a body of graded subalterns" with no decisive voice in policy. As the key executive, the president is supposed to be "a strong man" but he is strong, as Veblen so shrewdly observed, only insofar as he is enabled "to move resistlessly with the parallelogram of forces" — witness the amazingly high turnover in the office. The real function of the president is that of "transmission and commutation" rather than "genesis and self-direction."

This ambiguous distribution of power — the fact that power does not reside where it seems to reside — accounts for the fact that relatively few cases involving academic freedom have arisen in American universities. The absence of cases, in turn, re-enforces the illusion of complete freedom. "The cases in which there is open and clear interference with freedom of speech," writes Dr. Beck, "will be few. The more baffling cases are those in which a steady and powerful, but *almost invisible and impalpable* pressure of an academic hierarchy suppresses, discourages, and seriously interferes with the usefulness and development of the independent and original thinker."[8] (My emphasis.) "The response to these fears of injury," writes Dr. Edmund Ezra Day, formerly president of Cornell, "is a policy of avoidance. . . . Care is exercised to see that no fighting issues are raised. The means that are employed to this end are usually well disguised — conservative methods in the recruitment of staff, systematic discrimination in the matter of promotions and increases of pay. . . . Open dismissals on the score of radicalism are, of course, avoided; restrictions on academic freedom must not be thought to play any part in institutional policy."[9]

The precarious economic status of the American college and university instructor, which is much worse than is generally realized, however favorably it may compare with other systems, is an important factor in limiting academic freedom. During the

[8] See also *The American Colleges and the Social Order* by Robert Lincoln Kelly, 1940, p. 128.

[9] *Safeguarding Civil Liberty Today*, 1945, p. 154.

1930's, salaries for university professors "varied from genteel poverty to comfort," but since then professors' salaries have risen less than half as much as living costs and about one fifth as much as the nation's per capita income. A recent study at Rutgers showed that 65 per cent of the faculty found it impossible to live on their pay; living costs exceeded salaries by $708 on an average; 17 per cent were barely solvent; and only 18 per cent were able to report savings. Of the 40 per cent who had been compelled to take outside work, two thirds reported that this activity had lessened their usefulness as instructors.[10]

The more the instructor's income is augmented by outside retainers, the more conscious he becomes of the limitations of academic freedom. The more successful he is, in the sense of increasing his income, the more rapid his rise within the academic hierarchy is likely to be. The swifter his rise, and the higher he rises, the more sensitive he will become to the intangible pressures for conformity. Before long, he will be justifying himself to himself by attacking the work of those scholars, for example, who refuse to write slovenly historical monographs for *Life*. And this crisis of the individual instructor, of course, merely parallels the larger financial crisis which now so gravely imperils the freedom of American education. Costs have soared; the scale of research has greatly expanded; the number of students has skyrocketed; tax-exempt dodges have been eliminated; and the number of donors, and the size of their donations, have been reduced by the general tax situation. In 1950 the federal government will finance research in American colleges and universities to the tune of $100,000,000, and by the end of the decade the subsidy, it is estimated, will have jumped to more than $600,000,000 annually. The more dependent the colleges become on handouts from the federal government, the more sensitive they will be to political pressures and to the demand for conformity.[11]

[10] "The Crisis in Higher Education" by Donald W. Mitchell, the *Nation*, December 11, 1948, p. 669.

[11] See, generally: "The Threefold Crisis in Our Universities" by Seymour E. Harris, *N. Y. Times*, October 30, 1949; "Fund Study Shows Crisis in Colleges" by Benjamin Fine, *ibid.*, November 3, 1949; "More Colleges in Business, Imperiling Tax-Free Status" by Benjamin Fine, *ibid.*, January 12,

The same illusion of freedom also appears when one examines the question of the extent to which higher educational facilities are really open to all Americans on a basis of equality. The embarrassing fact is that whereas 80 per cent of the upper and upper middle class children go to college, only 20 per cent of the lower middle class and only 5 per cent of the lower class children get there.[12] Although these facts are well known, it remains inherently difficult to assimilate such information for the simple reason that the visible reality *seems* to refute the facts. American colleges appear to be "open"; the campus gates are not locked; anyone can walk in. Similarly the extent of academic freedom is consistently distorted by reason of the fact that it is primarily in one field only, in the social sciences, that the restrictions are seriously vexatious. It should not be forgotten that the American Association of University Professors came into being in 1914 because of the *special concern* for academic freedom that was then sensed by the American Economic Association, the American Sociological Society, and the American Political Science Association. If an instructor is not teaching in the social sciences, or if his views happen to be conservative, he can enjoy an illusion of almost complete freedom on the average American college campus.

2. *DEGRADATION WITHOUT PARALLEL*

As the history of the higher learning in Germany shows, illusions of the kind described above can completely blind a people to encroachments on academic freedom. The concept of academic freedom, of course, was born in Germany and was much more securely and consistently safeguarded there, for many years, than anywhere in the world.[13] Yet all the while the reality of freedom was being steadily undermined. Even when the Nazis

1950; "U. S. Giving $100,000,000 for Research in Colleges" by Benjamin Fine, *ibid.*, December 5, 1949; "Choosing College Presidents" by Dr. Monroe Deutsch, *School and Society,* October 25, 1947.

[12] *Social Class in America* by Dr. W. Lloyd Warner, 1949, p. 25.

[13] "Academic Freedom," *Encyclopedia of the Social Sciences*, Vol. I, pp. 384–387.

came to power in 1933, and promptly insisted that every teacher take an oath of fealty to Hitler, illusion-blinded instructors failed to sense any threat to their freedom. At first, the Nazis ignored the "practical" or "applied sciences" and concerned themselves primarily with the disciplines related to molding public opinion: history, sociology, psychology, and anthropology. But it was not long before Hitler told the head of the Kaiser Wilhelm Society for the Advance of Science, which specialized in theoretical scientific research, that "if the dismissal of Jewish scientists means the annihilation of contemporary German science, then we shall do without science for a few years."

By 1937 a new institution, "the political university," had been fashioned in Germany. The semiautonomous administration and traditional liberties of the German university were arbitrarily set aside; a pall of petty revenge descended upon institutions of world-wide renown; the university atmosphere was poisoned at its sources; freedom of discussion was subjected to wholesale annihilation; and classrooms were thoroughly politicized. Students spied on teachers and "loyal" instructors informed on their colleagues. Long before the Nazi regime was destroyed, the German universities had experienced a degradation without parallel in the history of education.[14]

The destruction of the freedom of the German university was a comparatively simple task as a brief glance at the mathematics of the Nazi purge will indicate. The Nazis dismissed 14.35 per cent of the university faculties; but these dismissals gave them full control. The number of professors dismissed approximately equaled the number who, at the outset, had gone over to the Nazis (estimated at 960 or 11 per cent of the total). In other words, about 11 per cent were ardently pro-Nazi; about 14.35 per cent were either anti-Nazi or Jewish or both; while the bulk of the instructors, perhaps 75 per cent, simply acquiesced in the *putsch*. Illusions or no illusions, this element should have seen the mounting peril to academic freedom in Germany. For example, Dr. Frederic Lilge points out that the dismissal of Professor

[14] *The German Universities and National Socialism* by E. Y. Hartshorne, 1937; *The Abuse of Learning* by Dr. Frederic Lilge, 1948.

Gumbel at Heidelberg and of Professor Dehn at Halle, in 1925, clearly foreshadowed the demise of academic freedom; yet no significant protest was organized.

The key to this abject acquiescence of scholars in the abuse of learning is to be found in their blindness to the way in which the Nazis used an attack on Jewish professors as a cover for their attack on academic freedom. "The Jewish question," wrote Dr. Best, "is the dynamite with which we explode the forts where the last liberalist snipers have their nests. People who abandon the Jews abandon thereby their former way of life with its false ideas of liberty." [15] Jew or Communist, the technique of using an attack on certain instructors to cover an attack on academic freedom is essentially the same. The instructors selected as targets are never identified with powerful groups or associated with major parties. They are selected precisely because they are political untouchables, that is, without significant influence. To believe that those selected as targets constitute a "menacing" group is not only to miss the point of the tactic but to co-operate in its success.

If the target, the victim, is a political untouchable, without much influence on the campus or in faculty councils, the chances are that his colleagues will not spring to his defense. The fear of being identified with heresy, however, rather than the political untouchability of the target per se, is the real measure of their reluctance to act. If these colleagues stand by and witness the destruction of the target without protest, their ability to resist later aggressions will be greatly weakened. By abandoning their unpopular associate, they have established a precedent and, at the same time, destroyed the basis of any real faculty solidarity. Though they feel compromised as individuals, their guilt will be rationalized in a manner that will later make it possible for them to abandon less unpopular associates. Crusades against academic freedom are not launched by a formal declaration of war; they proceed by a stealthy testing out of the reflexes of those whose moral duty it is to guard this freedom. One can rest assured, there-

[15] Quoted in *The Higher Education in Nazi Germany* by A. Wolf, London, 1944, p. 29.

fore, that the first victim in any campaign of this character is certain to be the *least influential* member of the faculty however much he may be respected as a person. To accept the propaganda that this person is a "menace" to academic freedom is to demonstrate a political gullibility that is wholly indefensible in a world that has been offered the opportunity to study the archives and minutes, the memoranda and directives, of the Nazi chieftains.

Dr. Leo Szilard, distinguished professor of biophysics at the University of Chicago, has explained the tactic of the unpopular target in a manner that demands quotation:

> A few months after the Hitler government was installed in office, it demanded that instructors of the Jewish faith be removed from their university positions. At the same time, *every assurance* was given that professors who had tenure would remain secure in their jobs.
>
> The German learned societies did not raise their voices in protest against these early dismissals. They reasoned that there were not many Jewish instructors in German universities anyway, and so the issue was not one of importance. Those of the dismissed instructors who were any good, so they pointed out, were not much worse off, since they were offered jobs in England or America. The demand of the German government for the removal of these instructors did not seem altogether unreasonable, since they couldn't very well be expected wholeheartedly to favor the nationalist revival which was then sweeping over Germany. To the learned societies it seemed much more important at that moment to fight for the established rights of those who had tenure, and this could be done much more successfully, so they thought, if they made concessions on minor points.
>
> In a sense the German government kept its word with respect to those who had tenure. It is true that before long most professors who were considered "undesirable" were retired; but they were given pensions adequate for their maintenance. And these pensions *were faithfully paid to them until the very day they were put into concentration camps*, beyond which time it did not seem practicable to pay them pensions. Later many of these professors were put to death, but this was no longer, strictly speaking, an academic

matter with which the learned societies needed to concern themselves.

The German scientists could not, of course, have saved academic freedom in Germany even if they had raised their voices in protest in the early days of the Nazi regime when they still could do so with impunity. *They could not have changed the course of history, but they could have kept their hands clean. . . .*

It is well to remember that there was a wave of persecution of Communists after the first World War . . . in many ways the persecution then was worse than anything that has happened this time — so far. But this time, the scientists are being asked to sanction persecution by accepting students into their laboratories on the basis of a selection that is not free from political bias. . . .

Federal aid to education may be a necessity, but federal political control of education is an evil. This evil our universities will not be able to resist unless scientists take a stand based on the major principle which is involved, and on which they are united. *Once we give up this stand and retreat, there is no second line of defense behind which we can unite. . . .*

Those who reconcile themselves to the first breach of our tradition will in due time reconcile themselves to a second breach. Those who follow the principle of the lesser evil will have to retreat again and again. . . . Those of us who do not wish to fight can at least refuse to help dig the grave.[16]

[16] "The AEC Fellowships: Shall We Yield or Fight?" by Leo Szilard, *Bulletin of the Atomic Scientists*, June–July, 1949, p. 177, emphasis added.

XII

Freedom Is the Word

> The great American word is freedom, and in particular, freedom of thought, speech and assembly.
>
> — DR. ROBERT M. HUTCHINS

THERE ARE ALWAYS inquisitions, as Hendrik Van Loon once pointed out, and never an inquisition. In time of storm, heresy is everywhere; it lurks in the most innocent guises; it appears in the most unexpected sources. When Mr. Adolphe Menjou assured the House Committee on Un-American Activities that a Communist actor can import "subversive" meaning into the most innocent line of dialogue, by a clever use of emphasis or gesture, he was speaking in the tradition of the Great Inquisitors. A brief glance at a number of heresy hunts in institutions located in Oregon, Michigan, Illinois, Oklahoma, and New Hampshire will show the amazing ubiquitousness of heresy in a period of social stress.

1. LYSENKO IN CORVALLIS

On February 15, 1949, about two weeks after the Regents of the University of Washington had passed judgment on the six professors, Dr. A. L. Strand, president of Oregon State College at Corvallis, announced that the contracts of Dr. L. R. LaVallee, an assistant professor of economics, and of Dr. Ralph W. Spitzer, associate professor of chemistry, would not be renewed. LaVallee and Spitzer promptly charged that they were being released solely because they had supported Henry Wallace in the 1948 election.

Up to this point, however, the issue of academic freedom remained purely speculative since neither LaVallee nor Spitzer had permanent tenure and might have been discharged for any reason. But Dr. Strand, perhaps encouraged by the humiliating defeat of Mr. Wallace, proceeded not merely to drive the heretics from the campus but to tell the whole world why he had done so.

On February 23, the faculty was summoned into extraordinary session to hear Dr. Strand discourse on the subject of modern heresy. He had decided, so he said, to give a "partial" public explanation of the reasons which had prompted him to sack Dr. Spitzer. Denying that Spitzer's support of Wallace had anything to do with the case, Dr. Strand proceeded to make the issue one of academic freedom by launching a vigorous attack on Spitzer's politics and his integrity as a scholar and scientist. "Exact proof," he said, "of a person's loyalties and beliefs is difficult and often impossible to produce. About the only way is to choose an area in which the person has undeniably committed himself, if that can be found, and examine that area thoroughly to discover what such commitment signifies."[1] Curiously enough, the area which Dr. Strand had chosen to examine, in an effort to convict Spitzer of heresy, was not chemistry, which is Dr. Spitzer's field, but genetics. In essence, his heresy consisted, according to Dr. Strand, in defending Lysenko's defense of Michurin's genetics.

After reading a letter which Spitzer had published in the *Chemical and Engineering News* of January 31, 1949, Dr. Strand went on to say: "He [Spitzer] supports the charlatan Lysenko in preference to what he must know to be the truth. He is no amateur scientist. He went far out of his way to combat the influence of Dr. Muller (Dr. H. J. Muller, the famous biologist, who had attacked Lysenko), or to make such attempt as might fool a good many people. Why should a chemist bother to stir up controversy in the field of genetics? I can tell you. It is because he goes right down the party line without any noticeable deviation and is an active protagonist for it. Did some one mention academic freedom? How about freedom from party-line compulsion? Any scientist who has such poor powers of dis-

[1] *Chemical and Engineering News*, March 28, 1949, p. 908.

crimination as to choose to support Lysenko's Michurin genetics against all the weight of evidence against it is not much of a scientist, or, a priori, has lost the freedom that an instructor and investigator should possess."

This denunciation of Spitzer obviously rested, for whatever validity it possessed, upon one crucial premise, namely, that Spitzer had in fact "supported the charlatan Lysenko." Incredible as it may sound, Dr. Spitzer had done nothing of the sort. His letter was reprinted, in its entirety, along with Dr. Strand's statement, in the *Chemical and Engineering News* of March 28, 1949, pages 907–908. It is too long to reprint here but anyone can check the reference and read the by now famous letter. Nowhere in this letter does Dr. Spitzer defend, support, or accept Lysenko's views. The stated purpose of the letter, written by a chemist to the editor of a chemical journal, was merely to suggest that American scientists should study the Lysenko papers, then just published in this country, before coming to any final conclusions about the merits of the controversy. The letter does suggest that there might be some truth in the Lysenko theories but it does not defend these theories. It also points out that since research is socially planned and publicly financed in the Soviet Union, any comparison of freedom of research in the two countries should be based on a recognition of this fact. Wise or foolish, false or true, partisan or objective, the letter simply does not warrant Dr. Strand's interpretation.

Somewhat later Dr. Linus Pauling of the California Institute of Technology wrote a letter to Dr. Strand in which he suggested that the failure to renew Spitzer's contract might constitute a violation of academic freedom. To this letter, Dr. Strand replied: "If by this action, Oregon State College has lost your respect and support, all I can say is that your price is too high. We'll have to get along without your aid. . . . How far need we go in the name of academic freedom? How stupid need we be and just how much impudence do we have to stand for to please the pundits of dialectical materialism? As well as the right of free expression, academic freedom entails some discipline in regard to truth, some loyalty to the ethics and logic of scientific inquiry. . . .

The notice to Spitzer and LaVallee . . . was no violation of academic freedom. On the contrary, it was a move in the direction of such freedom."

Needless to say, Dr. Pauling had said nothing about withdrawing his respect or support. He had, moreover, every right to express himself on the issue as (1) an alumnus of Oregon State College; (2) president of the American Chemical Society of which Dr. Spitzer was a member; and (3) chairman of the division of chemical engineering at the California Institute of Technology where Dr. Spitzer got his degree. Incidentally, it is interesting to note that Dr. Pauling refers to Spitzer, in this letter, as being "in the upper group of the able younger physical chemists in the country." In view of these facts, the tone of Dr. Strand's reply was hardly warranted.

The gagging, bitter irony of this episode is to be found in Dr. Strand's adoption of an attitude toward heresy which cannot be distinguished from the dogmatism of which he complains in Lysenko and other Communist dialecticians and commissars. Commenting on the Spitzer case, Dr. Alfred Henry Sturtevant, world-famous scientist at the California Institute of Technology, had this to say: "The news accounts indicate that his [Dr. Spitzer's] support of Lysenko, in the letter here under discussion, was stated by the administration to be a reason for the dismissal. If this account is correct, I am certain that the great majority of geneticists will agree with me in wishing to present the strongest possible protest against an American university adopting the very policy of making academic tenure dependent on conformity, that we so strongly object to in Russia." [2] Obviously nothing could have a more sterilizing influence on scientific inquiry in America than the imposition of Lysenko-like orthodoxies on American scientists. But is it not equally obvious that the policy of aping Russian methods is also strategically self-defeating and disastrous? Instead of allowing Soviet dogmatism to beat itself against the wall of scientifically verifiable fact, Dr. Strand proposes to combat Soviet dogmatism with counter-dogmatism.

Such is the strategy of the anti-Communist – the strategy of

[2] *Ibid.*, p. 936.

fighting Communism as a heresy – and it is self-defeating on its face. As Justice Robert Jackson has pointed out: "The iron curtain is more disastrous to those it shuts in than those it shuts out. . . . What we might need to fear would be an open-minded, tolerant and inquiring Soviet Union, thirsting for truth. . . . If they want to handicap themselves by closing the Soviet Union's eyes and ears to the actions and thoughts of the western world, I do not think it strengthens them against us. . . . If they want to send their scientists to Siberia because they do not make the cold facts of science, such as genetics, support Soviet political theories, I condemn it as inhumane; but I don't think it imperils our security. . . . The Nuremberg evidence is that the seeds of eventual annihilation for Hitler's power were sown when he began burning books, exiling scientists and scholars, persecuting students, and closing down on information."

To bring this incident to a close, it should be noted that the Corvallis affair stemmed directly from the excitement at Seattle. Commenting on the Seattle case, the president of the Associated Students at Oregon State College was quoted in an AP dispatch of January 23, 1949, as saying: "Communism is a real factor on the Oregon State campus and *certain people* are on this campus for the sole purpose of converting students to the cause of Communism." (Emphasis added.) Clearly the conviction of the heretics at Seattle had stimulated the consciousness of heresy at Corvallis. In a dispatch of the same date, Dr. Strand was quoted as saying: "While we probably have less of this sort of activity [Communism] than the average campus, we undoubtedly have some. Hence it is gratifying to see the responsible student leaders recognizing the situation and thus taking steps to guard against it." If students were able to sense, with a little prompting from the press, the presence of heretics on the campus, surely the president must be equally alert. Catching a long forward pass from President Allen, Dr. Strand turned and galloped the length of the field for a touchdown, but alas! he crossed the wrong goal line, standing up, alone.

2. "*A COLLEGE IS LIKE A BUSINESS – PLUS*"

Olivet College, in central Michigan, was founded by Father Shipherd, a revivalist minister, in the same year that James Polk was elected President. Father Shipherd's favorite texts: "Be not conformed to this world" and "Dare to do what we acknowledge to be right" survived, under Dr. Malcolm Boyd Dana, in the form of a famous "unified study plan," a fine tutorial system, and a college remarkably free from racial or religious discrimination. In the spring of 1946, when Dr. Dana resigned, Olivet had about 300 students and 35 instructors and boasted of the exceptionally close relationship which prevailed between instructors and students, as well it might with a ratio of one instructor for every eight students.

To succeed Dr. Dana, the trustees selected Aubrey L. Ashby, Olivet '08, former vice-president and general counsel of the National Broadcasting Company, just the man, so the trustees thought, to extricate the college from a difficult financial situation. At the meeting on July 21 at which he was selected, Ashby told the trustees, in a two-hour speech, that part of his policy would be "to 'DDT' those erring termites." The termites turned out to be Dr. T. Barton Akeley, who had taught political science at Olivet for twelve years, and his wife, who had long served as college librarian. The Akeleys were dismissed without a hearing or the filing of charges and were denied the usual sixty-day period in which to vacate the home which had been assigned them on the campus. A person of liberal views, Dr. Akeley carried his nonconformity to such subversive extremes as the wearing of a beret, the sporting of a great tuft of a goatee, and, on occasion, strolling down the main street of Olivet in shorts. President Ashby charged that the Akeleys had been indoctrinating students with "their own peculiar ideas of democracy." His ideas about democracy, also peculiar, may be suggested by his dictum that "a college is like a business – plus."

To the trustees, the Akeleys complained that their dismissal was based "on an appeal to curiosity, to prurience, to fears of

involvement . . . not justified in your constitution, nor in Christianity, nor in ethics." The American Civil Liberties Union found, after an investigation, that the dismissals "flagrantly violated even the shabby tenure policy of the college." [3] On September 17, the day of registration, student picket lines formed around the administration building and sixty or more students refused to register. Throughout the fall, the faculty continued to press for a real tenure plan and to urge the reinstatement of the Akeleys. At an alumni dinner in Detroit on December 9, President Ashby attempted to divert attention from the real issue by charging that students on the picket lines were "largely from one race and one locality." The students immediately wanted to know what race and Ashby flippantly replied: "The human race." Both students and faculty, however, construed the remark as being aimed at Olivet's Jewish students from New York. On December 17, four members of the faculty were fired and a fifth was given a year's notice. Those fired were Tucker P. Smith, president of the Olivet Teachers Union, Julian Fahy, Arthur Moore, and Herbert Hodge. Dr. Carleton Mabee, winner of a Pulitzer Prize in history, was given a year's terminal notice. All five were active in the Teachers Union and had protested the dismissal of the Akeleys.

When the new dismissals were announced, 140 students signed a petition pledging themselves not to return to the campus until the dismissed professors were restored to their positions, and on January 28, 13 faculty members decided to organize a new college and to secede, as it were, from Olivet. On that day Tucker Smith placed an ad in the *Lansing State Journal* which is doubtless unique in its relevance to the higher learning in America: "College faculty for hire as unit. Prepared to offer balanced and advanced curriculum for small, liberal arts college. Substantial upper class student body and alumni group wish to accompany to aid in transplanting unique educational tradition."

The trustees promptly offered a few faculty pets life tenure but the exodus continued. Three instructors resigned on January 1; another dropped out on March 1; two more on March 3; another on March 9; another on March 11; and so it went. At the

[3] *Nation*, November 27, 1948.

end of the school year, Olivet had lost 18 of 35 faculty members; a majority of its student body was determined not to return in the fall; and the college faced the likelihood of being blacklisted by the American Association of University Professors. Later a planning committee of students, faculty, and alumni selected Sackett's Harbor, New York, as the site of the new Shipherd College and laid plans for a fund-raising campaign. Still later, Dr. Malcolm Boyd Dana filed suit to recover $22,078 which he had loaned the college to pay debts and salaries three years before. Father Shipherd would no doubt be proud to realize how firmly he had planted the nonconformist tradition at Olivet.

The Olivet incident, full of drama, lively characters, and a most exciting plot, received nothing like the attention devoted to the University of Washington dismissals. In none of the editorials on the Seattle case which I have examined is any reference made to Olivet College, although the excitement at Olivet was parallel in time, significance, and general relevance. The failure to correlate the two cases throws considerable light on the meaning of the issue so prominently featured in the Seattle case. For it is conceded that the Akeleys were not Communists and Tucker Smith, Socialist Party nominee for the Vice-Presidency in 1948, is yet to be accused of being a Communist. But this did not save these instructors from the charge of heresy; out they went, along with most of the faculty, the student body, and a large section of the alumni.

3. HERESY ON THE MIDWAY

Subversive activities investigations never "just happen"; there is always a plot and the same characters often reappear. The "father" of the Canwell Committee's investigation of the University of Washington was Fred Niendorff of the Hearst *Post-Intelligencer;* while John Madigan of the Hearst *Herald-American* master-minded the investigation of the University of Chicago conducted by the Broyles Committee of the Illinois Legislature. It will be recalled, also, that among the experts who appeared in

Seattle was Howard Rushmore, of the staff of the Hearst *Journal-American* in New York, who reappears as the key witness in the Chicago plot. But this is getting a bit ahead of the story; first the setting, then the plot.

The Seditious Activities Investigation Commission, better known as the Broyles Commission, came into being as a committee of the Illinois Legislature in 1947. For two years the committee failed to hold any hearings or to issue any reports. Sponsored by Governor Dwight Green, the committee seems to have been inspired by certain recommendations of the American Legion, Illinois Department, and the ever-vigilant *Chicago Herald-American.* On February 15, 1949, the same day that Dr. A. L. Strand discovered heresy at Corvallis, the Broyles Commission suddenly came to life after two years of profound inactivity. Senator Broyles proceeded, on that day, to introduce a series of bills to curb "seditious activities" which were almost identical with a similar series of bills, introduced at almost exactly the same time, by Senator Jack B. Tenney, then chairman of California's Un-American Activities Committee, in the California Legislature. That the Broyles Committee had held no hearings and issued no reports would indicate that its sudden discovery of heresy must have been prompted by the *Chicago Herald-American* or some institution equally alert to the dangers of heresy.

Suddenly, without prior notice, public hearings were scheduled on the Broyles bills for one day only, March 1, 1949. A hundred-odd students from Chicago, representing such organizations as the Young Progressives of America, Americans for Democratic Action, and the Student Republican Club, got wind of the hearing and appeared in Springfield to lobby against the bills. Only a few of them got a chance to testify, however, since only an hour had been set aside for the hearing. The delegation then adjourned to the office of Governor Adlai Stevenson and got from him a promise to request additional hearings. Even as the students were conferring with the governor, however, came word that the committee had voted out three of the bills with a "do-pass" recommendation. Vastly annoyed, the students improvised some crude signs and placards and paraded through the streets

in protest against the action of the committee and against the bills.

The parade annoyed some of the legislators but they were more annoyed when the students staged a sit-down strike in, of all places, the Abraham Lincoln Hotel, where one of the group, a Negro, was refused service. The next day the Chicago papers, including the liberal *Sun-Times*, carried stories of wild demonstrations in Springfield and editorials about "student hooliganism" and other evidences of subversive activities. In a flurry of indignation, the legislature promptly voted an investigation of Roosevelt College and the University of Chicago, these being the two schools from which most of the students had come. One legislator announced that he would not send his pet dog to the University of Chicago, while still another legislator said that the students were "so dirty and greasy" that they could not possibly be "clean Americans on the inside." As soon as the investigation was voted, John Madigan began a series of pieces about heresy at the University of Chicago for the *Herald-American* and J. B. Matthews was summoned from New York to take charge of the investigation.

The hearings which got under way in Springfield on April 21, 1949, were in remarkable contrast to the Canwell Committee hearings in Seattle. In Springfield, Dr. Edward Sparling and Dr. Robert M. Hutchins lost little time in seizing and holding the initiative. Instead of genuflecting before the committee, Dr. Hutchins promptly denounced the Broyles bills as an un-American attempt to impose a pattern of thought control on the people of Illinois. "The University of Chicago," he said, "does not believe in the un-American doctrine of guilt by association. . . . It is entirely possible to belong to organizations combating fascism and racial discrimination, for example, without desiring to subvert the government of the United States." He then went on to say:

> The Constitution of the United States guarantees freedom of speech and the right of the people peaceably to assemble. The American way has been to encourage thought and discussion. We have never been afraid of thought and discus-

> sion. The whole educational system, not merely the University of Chicago, is a reflection of the American faith in thought and discussion as the path to peaceful change and improvement. The danger to our institutions is not from the tiny minority who do not believe in them. It is from those who would mistakenly repress the free spirit upon which those institutions are built. The miasma of thought control that is now spreading over the country is the greatest menace to the United States since Hitler. . . . It is now fashionable to call anybody with whom we disagree a Communist or a fellow traveler. So Branch Rickey darkly hinted the other day that the attempt to eliminate the reserve clause in baseball contracts was the work of Communists.

In all such hearings, the primary tactic of the Inquisitors is to shake the assurance and poise of the heretics by placing them under a cloud of suspicion by either inference or direct statement; to frighten them with the angry vehemence with which their heresies are denounced; and to get them involved in the self-defeating business of explaining, apologizing, and alibi-ing. The purpose of the hearing is to stage an ideological ordeal or duel of wits in which the heretic can be made to grovel and recant. If the heretic can be defeated, the rival ideology suffers a symbolic defeat and is thereby discredited. A rout of the witness serves, in other words, to symbolize the rout of the doctrine with which he is identified. Hearings of this sort are essentially like Indian wrestling matches and it is this fact which makes them newsworthy and invests the testimony with such importance from a propaganda point of view. By controlling the hearings, the inquisitors have a marked advantage. Then, too, the very nature of the inquiry — into "seditious activities" — has a tendency to place many witnesses on the defensive. It is embarrassing to be summoned as a witness in an investigation of red-light districts even if one is called, say, as an expert on gonorrhea.

At Springfield, however, the duel soon developed overtones of high farce. Matthews simply could not force Chancellor Hutchins to take a defensive position. Hutchins not only avoided the bear traps that were set for him: he used them to trap Mat-

thews. The fact that the federal government had prosecuted Communists in New York indicated, did it not, that the Communist Party was a criminal conspiracy? "As a lawyer," replied Hutchins, "I would hesitate to say that the government can be identified with the Attorney General." Was Dr. Maud Slye still a member of the faculty? "Dr. Slye," replied Hutchins, "retired many years ago after confining her attention for a considerable time exclusively to mice. . . . She was one of the most distinguished specialists in cancer we have seen in our time." Then the following dialogue occurs:

MR. MATTHEWS. Are you acquainted with the fact that Dr. Slye has had frequent affiliations with so-called communist front organizations?

CHANCELLOR HUTCHINS. I have heard that she has had so-called frequent associations with so-called communist front organizations.

MR. MATTHEWS. Is it the policy of the University to ignore such affiliations on the part of the members of the faculty?

CHANCELLOR HUTCHINS. As I indicated, Dr. Slye's associations were confined on our campus to mice. . . . To answer your direct question, however, I am not aware that Dr. Slye has ever joined or advocated the overthrow of the government by violence.

MR. MATTHEWS. I said nothing about mice. I am sorry you misunderstood me. In your theory of education is there not such a thing as indoctrination by example as well as by precept?

CHANCELLOR HUTCHINS. Well, Dr. Slye never gave an example of overthrowing the government by violence.

* * *

MR. MATTHEWS. I have here a copy of *Life* magazine for April 4, 1949.

CHANCELLOR HUTCHINS. I have seen it. I think it is disgraceful.

MR. MATTHEWS. You refer to the double-page spread? [Of so-called fellow travelers.]

CHANCELLOR HUTCHINS. Yes, I do.

* * *

MR. MATTHEWS. Do you recall the manner in which President Truman characterized Communist Party members when he was asked about it?

CHANCELLOR HUTCHINS. I do.

MR. MATTHEWS. His statement was that they were all traitors.

CHANCELLOR HUTCHINS. I recall his statement.

MR. MATTHEWS. Do you concur with the President?

CHANCELLOR HUTCHINS. Am I required to?

MR. MATTHEWS. No, not at all, but I think it would be a matter of interest to the people of the United States to know your views on that subject.

CHANCELLOR HUTCHINS. Doubtless Mr. Truman's information is superior to mine. Doubtless your information is superior to mine. If it is true that all members of the Communist Party are traitors I should suppose they would be proceeded against as such and that we should not go through miscellaneous media and make charges that have not been established by due process.

* * *

Summing up, Hutchins defined the issue with great clarity: "The University does not believe that an individual should be penalized for other acts than his own. The University believes that if a man is to be punished he should be punished for what he does and not for what he belonged to or for those with whom he has associated."

The Broyles Commission had made much of a "secret witness" who was to appear at the hearings. This witness turned out to be Howard Rushmore, who had insisted that his appearance be kept secret until the day he was called. Apparently he did not care to face the individuals he intended to "finger" as reds and radicals; or perhaps he wanted to deny these individuals a chance to work up a dossier on his background and former associations. Later university officials presented affidavits showing that Rushmore had given grossly misleading testimony. For example, of 50 instances of alleged "fellow-traveling" on the part of 7 professors, mentioned in his testimony, only one case involved current member-

ship in an alleged "subversive" organization. Specifically Rushmore had listed 38 organizations as "subversive" although only 11 of these appeared on the Attorney General's list; 21 of the organizations either did not exist or were utterly unknown to the professors. The release of these affidavits forced the committee to reopen the hearings and gave the seven professors a chance to enter corrections on the record and, also, to confront the bashful Rushmore.[4]

Upset by all these goings-on, Representative William Horsley (R., Springfield), a member of the Broyles Commission, released on June 23 a 23-page booklet in which he gave his analysis of the testimony. From this booklet it would appear that sex and subversion are intimately linked. Citing figures to "prove" that 27 cases of "sex crimes and troubles," involving University of Chicago students, had occurred over a period of some years, Mr. Horsley proceeded to quote an informant as follows: "Of course there is a university rule forbidding girls in men's rooms, but that is a relatively easy thing to happen." Summing up, Mr. Horsley found that "sex plays a hearty role on the campus of the University of Chicago"; that Communists use sex in obtaining recruits; and that "shocking moral conditions" prevail along the Midway.[5]

In the Springfield investigation, unlike the sorry Seattle affair, the trustees of the University of Chicago took a firm stand with the chancellor. "In the spirit of academic freedom," the trustees said in a statement, "the men of the university work today to find a cure for cancer, to harness atomic energy for peaceful productive use, to widen our knowledge of the social, political and cultural forces in all human experience, and to train the teachers, the scientists, the scholars and the enlightened citizens of tomorrow. To be great a university must adhere to principle. It cannot shift with the winds of passing opinion. Its work is frequently mystifying and frequently misunderstood. It must rely for its support upon a relatively small number of people who understand the contributions it makes to the welfare of the community and the improvement of mankind; upon those who understand that aca-

[4] See *N. Y. Times*, April 30, 1949; May 20, 1949.
[5] *Chicago Tribune*, June 24, 1949.

demic freedom is important not because of its benefits to professors but because of its benefits to all of us. Today our tradition of freedom is under attack. There are those who are afraid of freedom. We do not share these fears."

Largely because of the courageous stand of Robert M. Hutchins and the trustees of the University of Chicago, the Broyles bills were permitted to die in the legislature and the Broyles Commission died with the bills. Senator Broyles and Representative Horsley were even unable to file a resolution threatening various reprisals against the University of Chicago and Roosevelt College.[6] Although the Springfield investigation fizzled out, it might well have succeeded if the chancellor, the students, the faculty, and the trustees had not taken a stand for freedom. As the chairman of the student committee has pointed out: "There is nothing very funny about the intention or effects of this sort of investigation, and many of us who witnessed the hearings found it difficult to reconcile the tragedy of the situation with the comedy of the evidence or cross-examination."

Nor is there anything funny about the final report of the Broyles Committee which included the following recommendations: (1) expulsion from any tax-exempt or tax-supported school of any student who refuses to say whether he is a Communist; (2) further investigation of the University of Chicago and Roosevelt College by "private" agencies; (3) prohibition of the sale on campuses of Communist propaganda; (4) survey of textbooks to eliminate theories and doctrines of Communism "or other subversive doctrines"; (5) dismissal of professors who refuse to resign from known Communist or Communist front organizations; (6) investigation of new campus organizations to determine whether they should be denied campus "privileges"; and (7) denial of tax exemption to any school which allows Communist front professors to teach or which allows Communist front groups to "flourish" under faculty sponsorship.

Certainly Chancellor Hutchins has not been misled by the ease with which he unhorsed Mr. Horsely and embarrassed J. B. Matthews. In a magnificent Commencement address on June 22,

[6] *Chicago Sun-Times*, July 5, 1949.

1949, he pointed out that there is less difference between pressure and prejudice and purges and pogroms than some Americans imagine. "We do not throw people into jail," he said, "because they are alleged to differ with the official dogma. We throw them out of work and do our best to create the impression that they are subversive and hence dangerous, not only to the state but also to everybody who comes near them. . . . To pressure people into conformity by the non-legal methods popular today is little better than doing it by purges and pogroms." In times like these, the educated man must show the fruits of his education ". . . by showing that he can and will think for himself. He must keep his head, and use it. He must never push other people around, nor acquiesce when he sees it done. He must struggle to retain the perspective and the sense of proportion that his studies have given him and decline to be carried away by waves of hysteria. He must hold fast to his faith in freedom. He must insist that freedom is the chief glory of mankind and that to repress it is in effect to repress the human spirit."

4. STRANGE DOINGS IN OKLAHOMA

Shortly after the Regents of the University of Washington announced their decision, the Oklahoma Legislature, by a vote of 102 to 7, passed a resolution demanding a loyalty oath from schoolteachers and calling for an investigation of Communist infiltration at the state university. The main speech in the debate on the resolution was delivered by Representative Edgar Boatman, of Okmulgee, who stated that he knew of one out-of-state student who had come to the University of Oklahoma "carrying a Communist card and a pistol in his pocket." The Oklahoma investigation was truly a ludicrous affair. The faculty was asked to select representatives to appear before the committee for questioning. Eleven members of the staff and faculty, accordingly, appeared before the committee on February 24, 1949. The chairman of the committee, a farmer with a fourth-grade education, conducted the investigation. The first witness, Dr. Laurence Sny-

der, dean of the graduate school, was asked: "Where were you borned at? What organizations do you belong to?" (The answer: "Only the Rotary Club and that is not secret.") "Do you know anything about Karl Marx and did you ever study his book?"

After a few witnesses were examined the investigation was promptly dropped. However all key administrative personnel, including deans and academic department heads, must now sign the following, and most remarkable, oath:

> I, _____, being first duly sworn, on oath state as follows: My position with the educational institution indicated above is that of _____ which I have held for _____ years. Except for those whose names are hereinafter listed, I am of the opinion that no member of the faculty in my department at this institution is a member of the Communist Party, a communist sympathizer or so-called "fellow traveler," is engaged in communistic activities of any kind, or teaches communistic doctrines either on or off the campus with a view to instilling belief in the principles of communism. I use the words and expressions communist, communism, communist sympathizer and "fellow traveler" in their commonly accepted connotation and not in any technical or restricted sense. My opinion with regard to these persons is based upon personal acquaintance or upon inquiry, or both, and my information concerning them and their views regarding communism is such that I consider it reliable. Those about whom my information is insufficient to enable me to include in the above statement, or whom for other reasons I do not wish to include, are as follows: _____ _____

In this instance the administration was able to ward off a serious investigation by a purely ceremonial observance of the ritual of purification against ideological heresies. For what possible meaning can this quaint document possess? Of what probation value is the bland assertion, by a chairman, that there are no Communists in his department? And what are the commonly accepted connotations of those much-fought-over words "Communist," "Communism," "Communist sympathizer" and "fellow traveler"?

But Oklahoma – if one may speak without offense – is perhaps a special case. Surely New England, with its unusually rich historical experience with witches and heretics, has been able to avoid the delusions reported in other regions. But the taint of heresy is also prevalent in New England. Early in 1949, two bills were introduced in the New Hampshire Legislature, one forbidding teachers "to advocate the doctrines of Communism" and the other providing for the appointment of a five-man committee to investigate "Communism" at the University of New Hampshire. This particular excitement seemed to have been touched off by the pronouncements of James F. O'Neil, former national commander of the American Legion, and a resident of New Hampshire.

President Arthur S. Adams's statement before the legislative committee contains this unique comment on the subject of Communism: "It is easy enough to talk about the problem but it is not so easy to say exactly what the issue is." It was by making a similar admission that the saner residents of Massachusets finally brought the insane Salem witch hunt to a stop. The question, "Should Communists Be Permitted to Teach?" does not define a social issue; it calls for a stump speech. If every legislature in America were to answer the question in the affirmative, the solution of the problem which the question raises would not be any nearer. The problem of Communism is not to be disposed of by taking various punitive measures against Communists.

It is impossible to understand the ideological conflicts of the Inquisition by a study of the doctrines of the Albigensians, the Waldensians, the Fraticelli, and the Cathars. The doctrinal issues are not only dead; they are quite incomprehensible. But the social and psychological reality of these persecutions still has great meaning and pertinence. The doctrines of the heretics did not call forth the unrest of the times; the unrest produced the doctrines. Hence the pursuit of heretics is like chasing a mirage. The persecution of heretics is more likely to drive the persecutors crazy than to convert the heretics. Burleigh, Elizabeth's astute minister, posed the real problem of dealing with heretics when he said: "We do not wish to kill them, we cannot coerce them, but

we dare not trust them." Faced with this dilemma, most heresy hunters have done what Burleigh advised against — that is, they have stripped the heretics of political power but have soon discovered that this, too, is no solution. For the problem is never the heretic although the heretic always seems to be the problem.

BOOK THREE

The Strategy of Satan

The most frightening study of mankind is Man.

— JAMES THURBER

XIII

The Roots of Heresy

In one sense, all heresy crusades are alike, whether they are launched by the reds or the blacks, in Bulgaria or Bolivia. For there are certain underlying psychological, social, and political factors which make up, so to speak, the constants of heresy persecutions. Just as there is a general theory of neuroses although there are many types of neurotics, so one can construct a general theory of heresy despite the fact that there are many different kinds of heretics. This chapter deals with what might be called a sociology of heresy. The three chapters which follow will consider, and in this order, the social psychology of heresy hunts; the semantics of persecution; and the methods by which witches are caught, which has to do with the politics of heresy.

1. THE DISTURBANCE OF BELIEF

The appearance of heresy is a symptom that social change has brought about some basic disturbance in the general system of belief. Every society has, of course, some system of belief or ethos, however imperfectly defined, by which values, objectives, and preferences can be shared. When a society is in its formative phases, when it is growing and expanding, this system of ideas is taken pretty much for granted. "An idea," writes Dr. Louis Wirth, "is implicit in every institution, but it is only in periods of change or crisis that we defend its meaning or redefine its purposes." [1] It is during periods of rapid social change, as through

[1] "Ideological Aspects of Social Disorganization" by Louis Wirth, *American Sociological Review*, Vol. 5, p. 472.

migration, war, or revolution, that people suddenly become conscious of ideologies. And the more conscious they become of their particular ideology, the more they will insist upon conformity. For any major disturbance in the system of belief is likely to produce mass fears, group anxieties, and weird distortions in perception. The greater the disturbance, the more rigid the ideology becomes and the more slavishly the people conform. At the same time, the fears of the people transform the ideology into a compulsive mechanism from which escape is almost impossible; originally a refuge, it becomes a prison, with fear as the jailer.

In such situations, nearly every aspect of social life becomes "politicized" since everything has some relevance to the ideological struggle, from the growing of gladiolas to the writing of novels. The more critical this struggle becomes, the smaller becomes the measure of private life which the individual is permitted to retain. As Dr. Ley once said: "There is no such thing as a private individual in National Socialist Germany. The only person who is still a private individual in Germany is somebody who is asleep." Ideas that were once implicit now become explicit; values once taken for granted are now taught and propagandized; what was formerly vague sentiment now becomes fierce official doctrine. The change is from the apolitical to the political; from the vague consensus to the rigid ideology. While this process makes for a greater degree of internal solidarity, it sharpens the tensions between groups holding different ideologies. And it is out of this conflict that heresy stems. The literal meaning of heresy is "choosing," and the periods in which heresy is reborn are the periods in which people must make important choices or decisions. Heretics appear only during periods of profound social transition. "Where there is no mental activity," wrote Turberville, "no education, no discussion, there may be faith, there can never be heresy." [2]

The heretic, however, must not be confused with the nonconformist or dissenter. Every society seeks to secure a measure of conformity as the indispensable condition of social co-operation,

[2] *Medieval Heresy and the Inquisition* by A. S. Turberville, 1921.

but in all societies there are some who refuse to respect the norms and values of the majority or the right of a majority to impose its ideas upon a minority. In normal times, these dissenters can be safely ignored. Should the breach between the attitudes of the dissenter and those of society become too wide, the dissenter can be marched off to a mental institution. For many reasons, however, the heretic cannot be ignored. Heresy is a collective phenomenon which recurs in periods of transition; dissent is an individual protest which can always be heard. The dissenter is not necessarily resented; the heretic is always keenly resented. The heretic rejects the dominant ideology but he does not reject the notion of dominant ideologies; the dissenter is a critic of all official ideologies and of the principle of conformity. The heretic is possessed and driven by an ideology; the dissenter will not permit ideas to ride him. Heretics are made; dissenters are born. The heretic is the apostle of a new ideology, a heretic without an ideology being as unthinkable as a minister without a theology; but a dissenter may be merely critical of the existing ideology. Criticism which assumes the continued existence of the old ideology can be tolerated; but the adoption of a new ideology is a "disloyal" act.

New ideologies are not "thought out" in advance; on the contrary, they are born of a feeling of resentment which arises from the fact of alienation or rejection or self-estrangement. Resentment is "interiorized hatred," a form of self-hatred "that is blocked or repressed because the socio-historical situation in which the individual finds himself provides no concrete direct outlet." [3] Unable to find an outlet for their resentment, the disaffected launch an oblique attack on the ideology of the dominant group. Karl Mannheim refers to the ideology of a dominant group as a "topia," that of a subordinate group as a "utopia." The classification has merit for there is an intimate relation between the two ideologies, the relationship of dominant-subordinate, major-minor, father-son. One emerges from the other.

The attack which the alienated direct at the dominant ideology is, at the outset, almost entirely negative, that is, it consists in a

[3] *Society and Ideology* by Dr. Gerald L. De Gré, 1943.

negation of the norms and values of this ideology. The disaffected, in this respect, practice what has been called "an imaginary revenge" on the dominant element by categorically repudiating the values of their ideology. By this denial, the rejected reject their rejectors. Symbolically, they strip them of their power and possessions by stripping them of their values; it is about the only revenge which the alienated can take while they are still an insignificant minority. Later this "imaginary revenge" is given utopian statement, as when the heretics begin to talk about a "new classless society," "a city of God," and so forth. This, too, is a form of revenge for it is tantamount to saying, See how much better our city is than the miserable city which you possess and from which we have been excluded.

Maladjustment creates new ideologies; new ideologies do not create maladjustments. To proscribe the idea, therefore, is to get the cart before the horse. Ideologies are born of resentment and resentment is a reaction *against* something already in existence. Because the resentment cannot find direct expression, it becomes interiorized as "psychological self-poisoning." This poisoning is the real acid that dissolves social bonds. Ideas may give resentment form and direction; they may inspire it; but they do not create it. If a society is healthy, you can hurl ideas at it with great violence but they will have little effect. It is the gap, as Max Scheler pointed out, between "traditional power" (old or dominant ideology) and "actual power" (the new conditions) that creates an explosive psychological situation. This situation should be the paramount concern of the dominant group; but, because of their relation to this situation, they see the heretics rather than the situation which produces them. In the nature of things, it is difficult to see "a situation"; and then, again, social situations are often mutually exclusive. Caught in their own situation, the dominant element cannot see the situation in which the heretic is caught.

2. *ON HERETICS AND THEIR DOCTRINES*

And hissing factionists with ardent eyes.
— WORDSWORTH

Heresy arises *within* a society. When the alienated constitute a small minority, they are called heretics. Should the alienated come to constitute, say, 30 per cent of the population, they will be called "rivals." The hatred of the heretic is most intense when the heresy is in its incipient phases for it is easier to hate the weak than the strong; rivals are fought, heretics are persecuted. By the time the heretics have gained the status of rivals, they have, so to speak, grown up; they may still be hated, but their numbers command respect. The heretic is hated because he arises from within the society; he is a bastard, an ingrate, a blasphemer.

Hatred of the heretic is intense for other reasons, too. For one thing, heretics are likely to be disagreeable types. In the Middle Ages, according to Turberville, heretics were regarded as "cross-grained, cantankerous, dangerous, certainly of some immoral propensities and perhaps sexually perverted." Although the description is stereotyped, it is based, like most stereotypes, on a distorted reality. A society in disintegration will produce strange types among the disaffected. There is often an element of masochism in heretics; for example, many of the Flagellants were addicted to sexual perversions which stemmed from repressions which society had originally approved. But if heretics were angels, the pressures to which they are exposed would soon convert them into obnoxious types. They have to be stubborn, for stubbornness is a form of idolatry and heretics worship new gods.[4] They are compelled to make virtues of their limitations just as they are also compelled to make vices of the virtues of the dominant group (the good manners of the aristocrat become evidence of decadence and depravity). By definition, heretics are "obdurate, contumacious, and incorrigible." To say that a heretic is obnoxious, therefore, is to make an observation, not an accusation.

[4] See I Samuel xv, 23.

Throughout history, even tolerant magistrates have complained bitterly, and quite properly, of the conduct of heretics. They cannot be pleased or placated; they spit on their benefactors; they bite the hand that feeds them; they see conspiracies in the most friendly overtures. The more the inquisitor browbeats the heretic, the more defiant and obnoxious the latter becomes. The relationship between the two is, indeed, highly complex, resembling, in some ways, the relationship between the anti-Semite and the Jew. It is impossible to think of a heretic without thinking of his oppressor; they make up, so to speak, one personality. And there is no denying the ability which each possesses to bait the other.

The early Christians were typical heretics, described by tolerant historians as defiant, unreasonable, mean, backbiting, arrogant, and utterly inconsistent. The Puritans, too, were a lawless and turbulent lot. Even the Quakers, today so mild-mannered and tolerant, were once mean and rebellious. "No other sect in the Civil War Period," writes Dr. W. K. Jordan, "was as universally or as vigorously hated or feared. . . . Their contempt for public authority, their apparent irreverence, their disavowal of the literal truth of Holy Writ, their strange habit and stranger conduct, and their extreme intolerance towards other Christian sects made them appear dangerous to civil and religious stability." [5] Throughout the Cromwellian period, Quakerism continued to display ". . . the militancy and stubbornness of devotion so characteristic of nascent sectarianism. . . . So long as Quakerism retained this vitality of immaturity it could scarcely be accommodated within the religious framework which the Government had devised." Eventually this "vitality of immaturity," which is so characteristic of heretical sects of all kinds, tends to abate as the external pressures are relaxed for it reflects these pressures and not the "stubbornness," per se, of the heretic.

The major indictment against the heretic has always been that he claims for himself and his group rights which this group would promptly deny to others if it ever came to power. And the charge, of course, is always true, for, in this respect, the heretic is his

[5] *The Development of Religious Toleration in England* by W. K. Jordan, 1938, Vol. III, p. 177.

father's child. Born of arrogance, he is arrogant. The arrogance of the heretic provides the dominant element with the key to the solution of a difficult problem, namely, how is one to banish one's own child? How is the heretic, a member of society, to be denied the protection of the rules which society has formulated to protect its members? The heretic's intolerance enables the dominant element to contend that the rules of the game should be suspended; it enables them, in effect, to place the heretic "beyond the pale," which is just where, in their opinion, he belongs. If a person denies the rules of the game, so they argue, then the rules can be suspended so far as he is concerned. But, conversely, how can the heretic be expected to respect the rules of a game from which he has been excluded? If he respected the rules, he would cease to be a heretic.

To survive, the new ideology must be distinctive in its slogans and symbols and the insistence on distinctiveness brings about the necessity of dogma. A slogan cannot be distinctive if it is changed or freshly stated every day, for people will forget its meaning. It must be distinctive and it must be repeated, over and over, if it is to be sharply differentiated from all other heretical slogans. To withstand attack, new ideologies must also be compactly constructed around a framework of hard doctrine. For this reason, heretics seize upon the concept of heresy, which has been used against them, and convert it to their own uses. For example, their doctrines are always "infallible," the better to induce people to become martyrs to an unpopular cause. It is much easier to organize around a hard core of easily remembered doctrine than around a method of inquiry or a collection of general principles; besides, vague doctrines dissipate under stress and even soft doctrines harden under pressure. The hardness, the dogmatic quality, of the heresy is what attracts converts in a time of crisis. In a shipwreck, the survivors set out for the rocks, not the driftwood.

Nearly every quality of the new ideology will reflect the situation from which it has emerged and with which it must contend if it is to survive. The new doctrine will be exclusive, for it cannot share truth with its rivals; if it did it would sooner or later lose the distinctiveness which it must possess. The heretic will de-

nounce his opponents as beasts and monsters, the better to justify their destruction; and, at the same time, he will describe them, for other purposes, as weak, corrupt, and diseased – the better to encourage others to attack them. The heresy will also be deterministic, the better to encourage a minority to oppose a majority; and it will emphasize discipline and teach the necessity of frequent purges, for only in this way can it protect itself against raids and betrayals.

Calvinism was a typical heresy. "By the crystallizing pressure of persecution," writes Dr. Jordan, "by the act of worshipping together; and by the comparison of their holy estate with the manifest evil and sentences of damnation which they saw about them, the Calvinist congregations soon enjoyed complete conviction that they were of the Elect. . . . Such confidence, such status naturally appealed especially to the rising middle class, which suffered keenly from the fact that it had as yet gained no status in society. Its activities and its point of view were despised by the socially and politically powerful classes." The Calvinist leaders sought to arouse heroic moral energy in their followers by making it appear that all mankind moved ". . . in chains inexorably riveted, along a track ordained by a despotic and unseen Will before time began." So long as Calvinism adhered to ". . . the awful austerity and the complete certainty of its original religious philosophy," it spread with amazing rapidity; but the moment the pressures began to relax, the moment the storm began to subside, the forces of disintegration set in. "This disintegration," notes Dr. Jordan, "in its most important form, occurred at the very centre of the Calvinistic philosophy."[6] And this is where most ideologies begin to disintegrate, for the relaxation of external pressures is first sensed not at the margin, but at the center.

3. HERESY: THE INSTRUCTED AND THE VULGAR VIEW

It is important to note that heresy prosecutions tend to become popular with the masses, otherwise it is quite impossible to explain

[6] *Op. cit.*, pp. 203–209.

the onrushing, destructive force that they generate. The populace, of course, is always enraged when the tribal gods are blasphemed. In the eleventh and twelfth centuries, for example, the masses loathed the heretics; popular demand, in fact, played a part in the creation of the Inquisition. A glance at the majorities recorded on the resolution which created the House Committee on Un-American Activities and similar resolutions which have kept the committee alive should be sufficient to dispel any illusions on this score: to create the committee, 181 to 41 (June 7, 1938); to continue it, 344 to 21, 1 absent, 57 not voting (January 1940); to continue, 354 to 6, with 71 not voting and 34 paired (February 11, 1941); to continue, 331 to 46, 54 not voting and 26 paired (March 10, 1942). To be sure, the committee was supported by virtually the entire press; but the fact remains that the votes in Congress correlate pretty accurately with public opinion polls.

There is, however, an important relation between the "vulgar" or popular view of heresy and the "sophisticated" or instructed view. "To the vulgar," wrote Sir Frederick Pollock, "Christianity appeared as a standing insult to the Gods; to the instructed, as a standing menace to the government." [7] Or, as he also pointed out: "The seditious intention will appear to the vulgar as self-evident; the enlightened and conforming skeptic will consider that no one would take the trouble and expose himself to the danger of attacking the official religion unless there were some sinister political object behind his professed scruples." The Jews, it was said, were never accused of murdering Christian children except when the king was in need of funds although the belief that they did was probably constant with the king's subjects. To the masses, Communists are subversive because they are Communists; to the instructed elite, Communists are subversive because they are "in the pay of Moscow." In the vulgar view, Communism is a constant menace; to the instructed, the menacing qualities of Communism become extraordinarily dilated on the eve of national elections.

[7] *Essays in Jurisprudence and Ethics*, 1882, the essay entitled "The Theory of Persecution," pp. 144–176.

The instructed never make the mistake of confusing heretics and dissenters. "The only heresies," wrote Henry Charles Lea, "which really troubled the Church were those which obtained currency among the people unassisted by the ingenious quodlibets of dialecticians." An intellectual may criticize "the free enterprise system" to his heart's content, if he writes in a scholarly jargon or for a sophisticated elite or with a saving touch of cynicism. Heresy, as distinguished from dissent, has the special quality of being able to arouse loyalty and enthusiasm in the masses. "For a heresy to take root and bear fruit," wrote Lea, "it must be able to inspire the zeal of martyrdom; and for this it must spring from the heart, and not from the brain." Zeal is the mark of the heretic who is usually the worker or the peasant, not the scholar.

Heretics are zealots because the new ideology or heresy makes sense in terms of their situation; it reflects their hopes and aspirations, their fear and frustrations. New ideologies can only inspire martyrdom when there is a shocking discrepancy between the norms of the dominant ideology and the everyday realities known to the people. The new ideology fits the situation in which the heretic finds himself; the dominant ideology does not. The new ideology offers a more satisfactory rationalization and, at the same time, it gives meaning and purpose and dignity to the lives of the disaffected. "Multitudes were ready to face death in its most awful form," wrote Lea, "rather than abandon beliefs in which were entwined their sentiments and feelings and their hopes of the hereafter; but history records few cases from Abelard to Master Eckhart and Galileo, in which intellectual conceptions, however firmly entertained, were strong enough to lead to the sacrifice." [8] The true heresy is capable of arousing an evangelical enthusiasm and a crusading zealousness.

The appeal of the new ideology measures the misery from which it springs. Underlying every heresy, including the belief in witchcraft, is a basic and unmistakable reality, namely, misery and distress, hunger and fear, insecurity and unhappiness. No one who has ever read Michelet's unforgettable account of the diseases which ravaged Europe in the Middle Ages will doubt, for a

[8] *A History of the Inquisition of the Middle Ages*, 1911, Vol. III, p. 539.

moment, that the belief in witchcraft was founded on the reality of human misery. "In the existing wretchedness of the peasantry throughout the length and breadth of Europe," wrote Lea, "recklessness as to the present and hopelessness as to the future led thousands to wish that they could, by transferring their allegiance to Satan, find some momentary relief from the sordid miseries of life. The tales of the sensual delights of the Sabbat, where exquisite meats and drink were furnished in abundance, had an irresistible allurement for those who could scantily reckon on a morsel of black bread, or a turnip or a few beans . . . the devastating wars . . . had reduced whole populations to despair and those who fancied themselves abandoned by God might well turn to Satan for help."

At the same time that heresy appeals to the keenly distressed, other elements are sufficiently distressed to be looking about for some satisfactory account of the public misfortune which has befallen them. These elements are not so much resentful as they are vengeful; they want to be given some rationalization of their plight which will enable them to hold fast to the old ideology. Sir Frederick Pollock pointed out why it is that these elements believe in heresy while clinging to the old ideology. "If we consider the persecutions that actually took place [in Rome]," he wrote, "we shall find that . . . they were mostly connected with public misfortunes of some sort. . . . Men sought for an account of the famine, the drought, the pestilence, or the invasion of barbarians that had oppressed them; and the account was only too easily found. The new and unsociable sect, the despisers of Jupiter and doubtful subjects of Caesar, were always with them. It was obvious that they had brought the wrath of the Gods on the community which tolerated them, and the remedy was no less obvious . . . *Christians ad leonem!*"

The peculiar madness, the driving force, of heresy persecutions is to be found, therefore, in this triple aspect of social misfortune which: (*a*) creates a tendency on the part of those who feel themselves abandoned by God to turn to Satan; and (*b*) gives rise to a tendency on the part of those not quite so keenly distressed to find a cause for their suffering which will enable them to hold

fast to a belief in the tribal God; and (*c*) creates a disposition on the part of the dominant element to offer the heretics – those embraced in category (*a*) – to those embraced in category (*b*) as the "cause" of the public misfortune. There are always *causes* for discontent; but the ruling elements in a society, from fear, ignorance, and self-interest, seek to avoid a recognition of these causes. They see heresies, however, wherever they look because their fears are reflected in everything they see. Their reluctance to examine the causes of the distress which produces heretics is like the neurotic's reluctance to face the conflicts in his own personality.

4. HERESY HUNTING IS NOT SCAPEGOATING

Just as heresy is to be distinguished from dissent, so heresy hunting is not synonymous with scapegoating. Scapegoating is universal and perennial; it is based on the simplest form of delusion. Witch hunting is a form of social madness based on delusions which are paranoid. Scapegoating is largely an individual phenomenon; witch hunting is a product of collective madness. The key to the distinction is to be found in the fact that scapegoating may be stimulated by mild frustration but witch hunting stems only from major social dislocations. Witch hunting, as Marion L. Starkey has pointed out, always comes "in the wake of stress and social disorganization"; after wars, disasters, plagues, famines, and revolutions. Scapegoating appears in all seasons; but witch hunting only reappears in time of storm. The nature of witch hunts as such, the manner in which they unfold, and the dynamics which they set in motion, form an important chapter in the sociology of heresy.

The psychology of the witch trail is the psychology of the un-American investigation. Witches will lie; so will Communists. Witches get innocent people to do their bidding; so do Communists. One can be a witch without knowing it just as one can be a Communist without knowing it. Witches were convicted on "spectral" evidence and today a "spectral" use is made of the doctrine of guilt by association. Abigail Williams, whose fan-

tasies damned the innocent in Salem in 1691, can be identified today as a fairly obvious psychological type; but even the wise, intelligent, and honest Samuel Sewall was taken in, at the time, by the antics of Abigail. And so today, equally wise and honest men seem quite incapable of detecting the element of fantasy and delusion which appears in the neurotically embroidered tales of Abigail's modern counterparts, whose passion for truth and patriotism is reborn simultaneously with the disappearance of their fifth column lovers.

Major social dislocations seem to produce a kind of social hallucination which makes it possible for simple delusions, based on a failure to understand the psychology of chance, to go undetected even by ordinarily astute minds. For example: the Polish Ambassador holds a reception; the wife of a scientist is invited; at the reception she meets X, the so-called Soviet agent. A product of pure chance, this meeting is put down, in time of storm, as evidence of a conspiracy. It is the same delusion, however, which once caused people to believe that because the farmer's cow died the day Goody Jenkins walked through the barnyard, therefore Goody Jenkins, the witch, killed the cow. For in a time of storm the line which divides fact from fantasy breaks down or becomes hopelessly blurred and shifting. Delusions that would be spotted immediately in normal times can then pass as the most self-evident and uncontestable realities. In such periods coincidence looms larger than logic and life-long reputations can be toppled over by a whisper of suspicion launched by an anonymous informer.

Before social disorganization can produce a witch hunt, however, a well-organized system of police terror must be in existence. It is this factor which calls forth the mania of denunciation which is so characteristic of witch hunts. The motives for denunciation are usually mixed — fanaticism, the conforming tendency, covetousness, fear — but it is police terror which directly inspires the mania. The susceptibility of the Germans to the form of witch hunt launched by the Nazis is to be explained by the fact that a long acquaintance with the methods of a political police, and a long political police tradition, had bred in many Germans a passion for conformity. In all terroristic regimes, as Bramstedt points

out, ". . . the accused is everybody outside the limited circle of privileged organizations and the ruling clique"; therefore, those outside this limited circle must *constantly prove*, by words and deed, and principally by denunciations, that they are loyal. The mania of denunciation springs not from the fear of heretics but from a well-founded and quite realistic fear of the machinery which has been set up to catch heretics.

Although this heresy-catching machinery provides an ingenious form of social control, it has distinct limitations. For one thing, the price to be paid for the suppression of heresies in terms of what it will purchase is clearly prohibitive. If we were to enact every measure proposed by the anti-Communists for the suppression of Communism we would find that we had destroyed the fabric of civil rights and that the number of Communists would probably be the same or greater than it is today! The self-defeating character of the anti-Communist strategy is reflected in the headline of a story by W. H. Lawrence in the *New York Times* of January 2, 1950: "Brazil Reds Busy, Though Outlawed." Outlawed three years previously, the Communists of Brazil, Mr. Lawrence discovered, were more numerous and more active than ever. Thus those who favor measures to suppress heresy must be made to carry a dual burden of proof. They must be made to prove: (1) that the dangers are "clear and present"; and (2) that repressive measures will actually guard against these dangers. It is on the second point that their case invariably breaks down.

Not only are heresy hunts expensive in terms of what they will actually accomplish, but they involve a peculiar law of diminishing returns. At first, only the vulnerable, the easily "fingered" victims are selected. For example, the first witches arrested in Salem were an illiterate slave, an old crone, and a lascivious grandmother. Carting these victims off to the gallows aroused little opposition; indeed it fanned the flames of intolerance. But heresy hunts must be kept going; new victims must be found. The second batch of victims will be less vulnerable than the first but their immolation will not arouse much protest either because these victims are usually unpopular, poor, and lacking in social prestige. By this

time, however, the informers, inquisitors, and psychopathic witnesses have become drunk with the new-found power of denunciation. They begin to enjoy the notoriety that goes with being an expert on witchcraft and a professional "denouncer"; they thrill to the feeling of being able to destroy another person by merely voicing a phrase, or pointing a finger, or whispering an accusation.

As the accusers become bolder, the range of accusation broadens and "heresy" ceases to have any definable meaning. Individuals are now haled before the tribunal who have real roots in the community, who are generally liked and respected. Doubts then begin to arise, for the first time, that the informers are truthful, doubts which never arose when the victims were marginal types. But by this time the machinery of persecution cannot be stopped, much less reversed. To admit error would be to cast doubt on the prior convictions and to undermine the concept of heresy. The informers, during this second act, usually become frightened of the consequences of their perjuries, and the more frightened they become, the bolder their accusations, the wilder their denunciations. Informers then begin to inform on informers in an effort to prevent any possible betrayal of their fraudulent charges and counterfeit "revelations." By this time, too, the power of denunciation has become truly frightening. A destructive self-hatred then exists in the society, like the fumes of an explosive gas, that anyone can ignite by merely striking a match. Sooner or later, however, the list of "expendable" victims must be exhausted, and at this point society recoils from the excesses of witch hunting, in weariness and horror. "Sound" elements, silent all this while, then step forward to exert a moderating influence, and gradually, slowly, like a patient recovering from a long fever, with its attendent hallucinations, society begins to recover its sanity and health.

But sanity does not always return; sometimes the society destroys itself, for the cost of eradicating heresy is in direct proportion to the success of the operation. Who would care to estimate the price paid for the Salem persecutions? Nor should it be forgotten that Spain was the one nation in which the Inquisition was

really successful and the price, there, was intellectual ruin and political and moral decay. Once society starts burning heretics, figuratively or literally, the flames are likely to engulf the whole structure of society. Thus the basic reason why heresy persecutions are futile is the risk that they might succeed and the price of success is utter ruin.

5. WHY THEY BURNED WITCHES

> We must not always attach too much weight to the confessions of those people against themselves, for they have sometimes been known to accuse themselves of having killed persons who turned out to be alive and in good health. . . . How much more natural and likely it seems to me that two men are lying than that a man could travel with the wind in twelve hours from the East to the West! How much more natural that our judgement should be misled by the flightiness of our disordered mind, than one of our kind, in flesh and bones, should be borne away by a strange spirit up the chimney on a broomstick.
>
> — MONTAIGNE on Witches and Witchcraft

In the history of persecutions, a special relation exists between the witch hunting of the sixteenth and the heresy hunting of the thirteenth and fourteenth centuries. Both persecutions were launched to suppress the same popular protest movement but at different dates, the latter being the precursor of the former, the first act in the drama of protest. Seen in this perspective, it becomes quite clear that the great witch mania of the sixteenth century was essentially an extension of the earlier inquisition which had been exclusively concerned with heretics.

The social meaning of heresy has always been confused by the failure to distinguish between the ancient episcopal Inquisition and the new pontifical Inquisition created by Gregory IX in 1233.

Prior to this time, the bishops had long "cauterized heretical growths on the body of Mother Church," but the new papal Inquisition was something else again.[9] It was, as Henri Pirenne pointed out, "a kind of universal police whose function it was to watch over the safety of dogma." [10] The new Inquisition was an outgrowth of the effective consolidation of papal power, Lord Acton characterizing it as "peculiarly the weapon and peculiarly the work of the Popes." The secular authorities were eager to cooperate because the Church had achieved a new unity and a majestic dominion under Gregory IX and Innocent III. Not until the Church had reached this pinnacle of prestige had it been possible to impose a strict orthodoxy on all men, and on all their activities, and to make of every deviation from this norm a criminal offense. Ironically it was just at this time, when the Church had acquired hegemony of the Occidental world, that, as Pirenne observed, "a new adversary rose up against it: heresy." [11] In a sense, therefore, heresy became a new and terrible crime because the Popes had acquired a new and terrible power to coerce conformity. Without the strict orthodoxy which was now imposed there would have been no increase in heresy, for the number of heresies is always in relation to the strictness with which conformity is enforced. The emergence of the papal Inquisition, however, had another meaning.

In the first great heresy crusade, the Cathars were hunted down and exterminated in every part of Languedoc, with great terror and violence and bloodshed, in the period from 1208 to 1235. It is not, therefore, without reason that the word which denotes "heretic" in the Germanic languages, *Ketzer* or *Ketter,* should be derived from the name of these unfortunate heretics. Like the Anabaptists of a later period, the Cathars were regarded as a menace to the social as well as to the religious order for they preached a kind of primitive Communism. The Cathars were principally recruited from the proletariat of the cities and, since the cities were few in number then, the heresy was never widely

[9] *The Age of the Reformation* by Preserved Smith, 1920.
[10] *A History of Europe* by Henri Pirenne, 1939, p. 298.
[11] *Ibid.*, p. 296.

diffused.[12] The relative ease with which the Cathars were crushed had the unfortunate effect of encouraging the Church to use similar tactics against other heresies of which Catharism was simply the first major manifestation. Catharism was a presentiment of the Reformation.

Prior to the crusade against the Cathars, the Church had not been seriously troubled with heretics. Indeed since the Arian heresy of the fourth century, the peoples of the Latin Catholic world had professed the same faith and acknowledged the same dogmas. Europe, in these centuries, was a world in isolation which, unlike the Byzantine world, lacked any intellectual tradition to rival that of the Church. But with the revival of commerce, the development of navigation, and the rise of the first cities, heresy had been reborn. "By unknown ways," to quote Pirenne, "but probably by the trade routes, the Manichaean doctrines were trickling in from the East." [13]

The seeds of heresy only sprouted, however, in those areas in which the new cities had emerged: in Lombardy, in southern France and Rhenish Germany. Before the renaissance of the cities, the West had not been troubled with heresy. The first and most formidable heresy known to Europe before the advent of Protestantism was Catharism and Catharism was contemporaneous with the urban movement. "Urban piety," as Pirenne noted, "was an active piety." The layman insisted on the novel right of participating directly in the religious life and this tendency was merely symbolic of the challenge to authority which was implicit in the new conditions of urban life. "In an age of commerce, industry and increasing use of coined money," writes Dr. Henry S. Lucas, "it required unusual vigilance to check unauthorized opinion." [14]

The centers of weaving, it is interesting to note, were the centers of heresy. "Many of the heretics appear to have belonged to the crafts which manufactured cloth." [15] In France, the word

[12] *Ibid.*, p. 297.
[13] *Ibid.*, p. 296.
[14] *The Renaissance and the Reformation,* by Henry S. Lucas, 1934, p. 594.
[15] *Ibid.*, p. 566.

tisserand (weaver) was equivalent to radical and was sometimes used to mean heretic, and the German word *zettel*, meaning "warp" of a loom, gave birth to the verb *anzetteln*, meaning to contrive or to plot, literally to warp or twist a movement.[16] Kautsky and others have commented on the close connection between the woolen trade and Communistic ideas, and trade and heresy were certainly related since the Manichaean doctrines found their first and strongest expression in the new trading centers. The weavers, an active and intelligent class of workingmen throughout Europe, were everywhere associated with "dangerous thoughts." [17] The looms that wove thread seem also to have woven new ideas, new patterns of thought.

The city-states of the twelfth century were, of course, miniatures of the national states which came with the Reformation. The society they produced contained, in relative isolation and on a smaller scale, the same tensions and problems which later beset the national states. Social divisions, for example, quickly developed. "Commerce and industry begot towns, towns begot wealth, and wealth begot aristocracy. The patriciate and the masters of the guilds formed a vast group of hereditary castes." [18] The castes were not at first oppressive but the new urban proletariat soon had excellent reasons for resenting their monopolistic rights and privileges. "Europe," to quote Dr. James Westfall Thompson, "was stirred almost everywhere by the spread of radical social and political ideas which flared into violent action in Florence between 1379–82, in France at Lyons, Paris, Rouen, and in Cologne and other cities of the Rhine in 1382." [19] The unrest, which often found expression in the form of religious heresies, was most evident, of course, in the centers of the textile industry, notably in Florence and in the Flemish towns.

Throughout the fourteenth century a strange wave of democratic agitation, characterized by crude and often violent protests

[16] *Economic and Social History of Europe in the Later Middle Ages* by James Westfall Thompson, 1931, p. 405.
[17] *Ibid.*, p. 230.
[18] Lucas, *op. cit.*, p. 17.
[19] Thompson, *op. cit.*, p. 403.

against tyranny and misrule, rolled over Europe. Historians have been impressed by the simultaneity and the universality of this movement: what happened in Florence happened at about the same time in Ghent and Ypres. The new conditions of urban living had created novel problems: diseases multiplied; pestilences decimated populations; and the alienated sought to establish new social unities by identifying themselves with all manner of weird "fads" and "crazes." Social protest found perverse expression in such strange movements as the Flagellant heresy which swept across Europe. "Charlatans, mind-readers, sorcerers, witch-doctors, drug-vendors," writes Thompson, "sprang up like mushrooms, along with perfervid crossroads preachers and soap-box orators each denouncing society and the wrongs around them, and each offering his panacea or remedy. . . . The whole population suffered from 'shell shock,' from frayed nerves. It is this condition which explains the semi-hysterical state of mind of thousands in Europe, and accounts for their fevered or morbid emotionalism. The old barriers were down, the old inhibitions removed." [20] "The whole of European society," to quote Pirenne, "from the depth to the surface, was as though in a state of fermentation. . . . No previous epoch had ever furnished so many names of tribunes, demagogues, agitators, and reformers." [21] We should have no difficulty in identifying these disturbances as symptoms of social dislocation for many of them are endemic in our time. Heresy was simply one of many symptoms that the pre-existing social unity of Europe had been disrupted; like the black plague it was a by-product of social change.

Unfortunately this first stirring of the European masses toward the end of the long night of serfdom proved to be abortive; by 1382, according to Thompson, the bourgeoisie were firmly in the saddle and the protest had been crushed. This initial protest was naturally full of confusion and disorder; the world, as Pirenne wrote, "was suffering and struggling, but it was hardly advancing." About this protest there was little coherence, continuity, or unity, and, also, little secular thought for the leaders were still

[20] *Ibid.*, p. 385.
[21] Pirenne, *op. cit.*, p. 380.

dominated by the thinking of the Church which they hoped to reform, not to replace. It is not surprising, therefore, that this first protest should have taken place *within* the overarching orthodoxy of the time, that is, as a heresy. Its leaders were heretics, not freethinkers.

After the defeat of this movement, heretical agitation ceased for a time in Europe. Not for centuries had there been so little in the way of new heresies as during the fifty years that preceded the outbreak of the Reformation. Aided by the Inquisition, scholasticism had done its work well; a logical framework existed within which there was an answer for every question if not a solution for many problems. In fact it has been suggested that the absence of heretics gave rise to the new interest in witches. For it was about this time (1484) that Pope Innocent VIII issued his famous bull *Summis Desiderantes* condemning witchcraft as heresy, and that two diligent Dominicans, James Sprenger and Henry Kramer, were commissioned to write their great treatise on witchcraft, *Malleus Maleficarum* or *The Witches' Hammer*. Sprenger and Kramer, it should be noted, had been instructed to devote particular attention to witchcraft in the rural areas of Rhenish Germany.[22]

This new interest in witchcraft, like the earlier interest in heresy, was clearly social in origin. In the first half of the fifteenth century a new class of capitalists had begun to appear who resembled the *mercatores* of the twelfth century but were more powerful and operated over much larger trade areas. The discoveries of the period had given an enormous impetus to trade and commerce by greatly expanding the market for European goods. As the trade areas expanded, the nation-state began to replace the city-state; production units expanded with the markets. The growth of commerce and trade was followed by a sharp increase in population, analogous to that which had characterized the twelfth and thirteenth centuries. The evolution of capitalism, in most of Europe, had tended to convert the

[22] See "The Bull of Innocent VIII" reprinted in *Malleus Maleficarum*, published by The Pushkin Press, London, with an introduction by Montague Summers, 1948, p. XIX.

peasant into a farmer or worker for wages in the city but in Germany the reverse was true and there a new serfdom had appeared.

The rural protest which this new serfdom occasioned in Germany was responsible for the Church's concern with what might be called "rural heresy" or witchcraft. The belief in witches, of course, had never been supplanted; it was so much a part of the folklore of the European peasantry that it was often called "the old religion." As the ancient pre-Christian folk religion, upon which Christianity had been superposed, witchcraft had always retained its devoted if secret adherents.[23] Because witchcraft was a rural cult — a pagan religion of the countryside — it is not surprising that, in a moment of social crisis, the rural people should have turned to the Devil for aid and comfort, just as their oppressors turned to God in their tribulations. Frightened by the prevalence of witches, Innocent VIII had issued his famous bull and had sent Sprenger and Kramer into Rhenish Germany to conduct an inquisition. Their energies might have been more profitably and more charitably employed had they been concentrated on an effort to understand the causes of rural distress in Germany.

There were, however, special reasons why the persecution of witches assumed such extraordinary proportions in the sixteenth century, a century in which more witches than heretics were burned at the stake.[24] For one thing, the sharpest social protest now centered in rural areas — witness the Peasants' Revolt of 1524 — and witchcraft was the peasants' heresy. Furthermore scholasticism had been much less efficient in rural than in urban areas. As the power of the Church to put down heresy had been augmented by the use of secular authorities, the clergy had grown increasingly indolent and slothful and had neglected rural opinion.[25] The old belief in witchcraft, which had smoldered for years,

[23] See *The Witch-Cult in Western Europe* by Margaret Alice Murray, 1921; and, by the same author, *The God of the Witches.*

[24] Lucas, *op. cit.*, p. 358.

[25] *Ibid.*, p. 151.

was now "blown into a devastating blaze by the breath of theologians who started to try to blow it out." [26]

The same general areas in Rhenish Germany which had aroused Innocent VIII's concern on the score of witchcraft were the areas which spawned the first Protestant heresies of the Reformation. Indeed the witchcraft of the time had never troubled the Church until changing social conditions had suddenly created a challenge to its prestige, authority, and privileges. Witchcraft was an ancient phenomenon in 1484. Clearly something had happened which suddenly invested the belief in witches with new importance in the eyes of the Church. Troubled conditions may have been a factor in reviving the beliefs and practice of witchcraft but the determination of the Church to prosecute beliefs which it had tolerated for centuries can only be explained by the fact that its authority was now in jeopardy. Witches were really not prosecuted for their beliefs; the great witch mania of the sixteenth century was a counteroffensive directed by the Church against the people in an effort to maintain its authority and its privileges. Witches were merely so much expendable fuel used to kindle the passion for conformity in time of crisis.[27]

The campaign against Protestantism, of course, gave an added zest to the campaign against witches. Protestant heretics were cooperative in the sense that they frequently confessed their heresies and that they obligingly committed "overt" acts — such as public worship and prayer — which made it possible to proceed against them with ease and dispatch. But, as Dr. Preserved Smith has observed, "the crime [of witchcraft] was of such a nature that it could hardly be proved save by confession, and this, in general, could be extracted only by the infliction of pain." [28] In those countries where the Inquisition had least influence — Great Britain is an example — fewer "witches" were discovered than elsewhere. Indeed the number of witches correlated perfectly with the power of the Inquisition and the use of torture; had there been

[26] Smith, *op. cit.*, p. 654.
[27] Lucas, *op. cit.*, pp. 595 and 610.
[28] Smith, *op. cit.*, p. 655.

no Inquisition, there would have been no witches. Each trial only bred other trials since the witch usually denounced imaginary accomplices in a vain effort to win mercy for herself and the denunciations often continued until the whole population of certain districts had been implicated. The fury of the witch hunts was most intense, of course, in Germany, where the greatest rural discontent prevailed.

Conceding that historical analogies are always somewhat misleading, one might say that the witches were the "Communists" and the Anabaptists and other emergent Protestant heretics were the "non-Communist" socialists and liberals of that time. Anabaptism had been a utopian doctrine at the outset but, as the discontent grew, the peasants came to look upon it not only for deliverance but also for vengeance and the mystico-social delirium which it aroused has been compared, by Pirenne and others, with the earlier ferment of Catharism. But whereas certain peasants turned to Anabaptism for vengeance, others, perhaps more realistic, sought the aid of the Devil. Witches were simply a tougher breed of heretics who managed to get along without God and were therefore prosecuted with a special vigor. They were truly agents of a foreign power.

* * *

Sir Thomas More was a humanist and the humanists were the "liberals" of that time. As a humanist, More included a powerful plea for tolerance in his famous *Utopia.* In 1516, when this work was written, he had had no direct knowledge or experience of heretics. But a revolution was then brewing in Europe; new social forces, which could no longer be controlled within the framework of the old social order, were beginning to create a great ferment in society. Once this revolution broke over Europe, witch hunting became the order of the day. From the Peasants' War to the Peace of Westphalia, Europe resembled a madhouse.

In 1526, the year following the outbreak of the Peasants' War, the *Index Librorum Prohibitorum* was established in England and Sir Thomas More was given the dreadful assignment of determining which works were heretical. Partly as a result of this

experience but more directly as a result of the Lutheran Revolt and the verbal violence of the Anabaptists, he changed his mind about heretics. Indeed he became convinced that heresy was incurable: "So harde is that carbuncle, catching ones a core, to bee by any meane well and surely cured." Branding Martin Luther as "an apostate, an open incestuous lechour, a playne limne of the deuvill, a manifest messenger of hell," he who had advocated tolerance when the concept was unknown became, for a short period, the chief heresy hunter and inquisitor of England. Even so, however, he was a fairly tolerant inquisitor. "Touching heretics," he said, "I hate that vice of theirs and not their persons." But he continued to invent imaginary monsters of error and to be troubled by all sorts of delusions. "Germany," he said, "daily produces more monsters than ever Africa did. What can be more monstrous than the Anabaptists? . . . A man may with as much fruit preach to a post as to a heretic."

Then, in the year 1533, Parliament passed the Act of Supremacy and, to the Anglicans, Sir Thomas More became just as stubborn a heretic as, in his eyes, the Anabaptists had ever been. He could have saved his life, if he had cared to sacrifice his principles. But once the roles were suddenly reversed, he demonstrated that his own heresy was "as hard as a carbuncle"; and that he was just as defiant as Martin Luther. And so he was beheaded. Today it is clear that the ideas and words of Martin Luther did not create the confusion of the period although they may have added to this confusion. The "monsters" who were as thick in Germany as in Africa were merely the signs, the symptoms, of a storm then sweeping over Europe. But Satan had excellent reason to be pleased with the manner in which the leaders of the Reformation and Counter-Reformation, blinded by delusion, proceeded to ignore the storm and engulf Europe in a sea of blood.

XIV

The Strategy of Satan

IT GOES WITHOUT SAYING that Satan would have been vanquished long since were it not for the fact that he is a master strategist. His strategy is quite simple. Satan aims at creating "combustions and dissensions"; at getting men to fight among themselves. Simple as this strategy is, it is difficult to bring off since men have more reason to agree than to quarrel; their endless combustions and dissensions make little sense. The reason man remains so consistently vulnerable to Satan's strategy is that he is the victim of certain delusions which form the subject matter of this chapter.

1. THE UNIVERSAL DOGMA OF INJUSTICE

Jacobus Acontius, born in Trent in 1565, later a resident of London, was the first man in England to work out a systematic defense of tolerance in ideas. Having wearied of man's incurable folly of contention, Acontius developed an admirable psychology of persecution. The basis of persecution, he concluded, was to be found in man's arrogant nature. Nothing could be more absurd than the persecution of men for the ideas they hold, yet this seemed to be one of history's main themes. Pondering the fact, Acontius decided that the secret of Satan's strategy consisted in man's aversion to contradiction. Under the sway of the peculiar passion aroused by contradiction, man is capable of acting like a monkey from whose paws a mango has been snatched; he becomes enraged, he screams and claws. Acontius, whose great work *Satanae Stratagemata* should be required reading today, acutely observed that man's intellectual arrogance increases in relation to

"riches, offices, great benefices, great reputation, and the like." Inhibited in the priest, the dislike of contradiction can become gross and brutal in the prelate.

Man's rage, faced with contradiction, is Satan's secret weapon. To free man from this hidden dominance, Acontius suggested that his thinking should always be tempered by the realization that error is the most prevalent evil in the world, and, at the same time, the most difficult to detect. Man should be extremely wary, therefore, about accepting this favorite bait of Satan's. Error cannot be overcome in the heat of passion; on the contrary, a show of anger only drives the error deeper into the mind of one's opponent. The use of force to eradicate error, which is man's major tactical mistake, flows directly from this state of mind. Satan never has anything to fear from the use of force in the settlement of disputes; he has sown the seeds of error in the hope that force will be used. "Are we so poorly equipped in the Word of God for the destruction of error," asked Acontius, "that we must needs defend ourselves with a lie, and counterfeit retractions?"

It is not arrogance alone, however, that prompts man to reach for a club when contradicted. The confusion of illusion and reality, which is characteristic of equinoctial times, comes about, as Karl Mannheim has pointed out, because what is then "real" depends upon the point of view of the observer and his relation to the "situation." In such periods we no longer perceive the same things as being "real" and our disagreements are so fundamental that, often enough, we do not even realize how fundamentally we disagree. Members of dominant groups — the groups with great riches, offices, and benefices — have a fatal proclivity in such times to believe, with all honesty, that "agents," "termites," and "fifth columnists" have undermined the ideological structure. Now termites do destroy foundations but they never destroy sound foundations. Satan is nearly always successful, however, in inducing man to believe that a holy war upon the termites will strengthen the foundation.

This delusion or trap would be less successful were it not for what Edmond Taylor calls the "master-delusion of right-

ness."[1] The burning of witches and the purging of deviationists seem to be related to a theological attitude toward truth and heresy, a tendency to regard all social happenings in terms of rigid categories of good and evil. One and all, the actors in the various persecution dramas of the Western World have been blinded, as Michelet observed, "by the poison of their first principle, the doctrine of Original Sin. *This is the fundamental dogma of universal injustice.*"[2] (Emphasis added.) It is this dogma which provides the sanction for the disposition to persecute. Blame other men for the ills and storms of the world; don't blame yourself; don't trouble to inquire into the causes; just blame the "damned," and praise the "elect" from whom all blessings flow.

It is this ancient fallacy which prompts us to fasten on an innocent wife and children consequences which attach to the husband's having once been a member of an unpopular political organization. The wife is clearly not to blame, nor were the children born into this world as reds; yet, by an ingenious application of the doctrine of Original Sin, we treat wife and children as though they were accursed of Satan. Michelet was probably wrong, however, in regarding this tendency as a "universal" dogma. In India, as Taylor has observed, the Hindus are quite successful at "dissociating their feelings about a human being from their feelings about his ideas," whereas, with us, "right belief is salvation and error is damnation." Our attitude toward error, which is clearly theological, is admirably illustrated by a statement which a young soldier in Franco's armies made to Taylor during the Spanish Civil War:

> We don't hate the Communists or want to punish them. It's just that Communism is an incurable disease they are spreading around so we have to put them out of the way. We have to rid Spain of this disease and there is no other way of doing it.

This is a typical Western attitude. It springs from the belief, as Taylor has pointed out, that "every error is the child of more

[1] *Richer by Asia*, 1947, pp. 141, 232.
[2] *Satanism and Witchcraft*, American ed., 1939, p. xii.

basic error, every truth the child of shining truth and destined to beget hosts of little truths." It is what prompts us, as he says, to develop out of our zeal to exalt and safeguard the pedigrees of truth and error "rigidly systematic ideologies which often come perilously close to those that flourish among the paranoid cases in our insane asylums. . . . That clumsy adjective on page 59 of Comrade X's new novel is the cryptic footprint of a latent Trotskyism, the League of Nations failed because it did not insist on conducting its business in Esperanto, and the weather is less bracing than it used to be because the New Deal has undermined free enterprise." [3] One of the reasons we think in this fashion is that we have been taught to accept the psychology of accursed groups, that is, to believe in devils and witches.

2. *THE PSYCHOLOGY OF ACCURSED GROUPS*

Throughout the Western World, every society seems to have, ready to hand, what Yves R. Simon has called "an accursed group" upon which to fasten responsibility for the evils which perplex it and which can be blamed for every public misfortune.[4] For a group to be "accursed," it must meet certain specifications: (1) It must be a small and clearly distinct minority. (2) Rightly or wrongly, an exceptional importance or power must be attributed to this minority. (3) It is considered certain that the minority is perfectly unified: "that all its actions are preconceived and concerted"; and that it has possession of some mysterious rite or formula, potion or dialectic, which makes it extremely dangerous. (4) The group must also be shrouded in mystery; not too much must be known about it. "Its unity," writes Simon, "is secured by persons upon whom no one can lay hands and who are usually anonymous." [5] Throughout history, accursed groups have served invaluable functions: they have held societies together; and they

[3] Taylor, *op. cit.*, p. 140.

[4] *Community of the Free*, 1947, pp. 63–72.

[5] See also Bramstedt, *op. cit.*, p. 176, for documentation on how the Nazis build up in their propaganda precisely this image of an accursed group.

have often preserved social sanity in the face of incredible disasters. If the bank fails, if the rains are late, if the well is poisoned, it is all the fault of the accursed group.

Whenever misfortune befell the people of the Middle Ages, wrote Turberville, they could always find a facile explanation for unmerited calamity "in such an intrinsically innocent incident, for example, as that of a sinister-looking old woman with a hooked nose." Witches could cause abortion by merely laying a hand upon a woman, and they could dry up the milk in her breasts if she were nursing. Witches raised tempests and hailstorms which devastated whole regions; they brought plagues of locusts and caterpillars which devoured the harvests; they could make men impotent and women barren and cause horses to become suddenly mad under their riders and throw them off. They could make hidden things known and predict the future; or bring about love or hate at will; cause mortal sickness, slay men with lightning, or even with their looks alone, or turn them into beasts. Sometimes they scattered powders over the fields which destroyed the cattle. And since all these misfortunes happened, and could be proved, what better proof could there be that witches were real? [6]

During the early years of the depression, a score or more of states passed laws which were aimed at preventing Communist-inspired runs on financial institutions. Banks were failing; there were runs on financial institutions; these runs had to be organized and who would organize them but the Communists? The bankers or whoever it was that launched these rumors had an inspired appreciation of the value of "accursed groups" in time of public misfortune. Indeed it is always "proper, prudent, and comforting" to have an accursed group at hand, ready to relieve the shock of disasters; to make it possible for people to give expression to their fears and anxieties; and, often enough, to divert attention from the real causes. With the Germans it was the Jews; with us it is the reds, the radicals.

Everyone must admit that the reds make a magnificent accursed group. The very fact that we have selected a political rather than

[6] Lea, *op. cit.*, Vol. III, p. 502.

an ethnic minority for this role gives us a feeling of moral superiority. We do not beat Jews; we have no pogroms; we favor "civil rights" – for ethnic minorities. A small and clearly distinct minority, contingents of reds are to be found in most of the large centers of population. Their propaganda, symbols, and slogans are unmistakable. Being a small minority, every politician can afford to be against them; in fact, he has to be against them. By being against them, he can divert attention from his record and, more important, he can give a glib explanation for any public misfortune. The reds, moreover, provide *a universal* alibi. They can be blamed not only for high divorce rates in California – the charge is a matter of public record – but for untoward happenings all the way from Greenland's icy mountains to the coral-crested islands of the South Pacific. Furthermore they provide the politician with a "subject" – no small boon in itself. Home, Mother, and Flag are safe, popular topics; but alas! they can only be *praised*, and in a season of unrest someone must be damned. There can be no doubt, therefore, that the reds are God's gift to the American demagogue.

Knowing this, the demagogues are basically opposed to measures which would actually outlaw, for example, the Communist Party. They want to harass rather than exterminate the victim. A successful extermination campaign would be a major disaster. To be sure, the demagogues like to *propose* the outlawing of "subversive" groups, but they make careful hedges against their own proposals. Watch the demagogues when a red appears, for example, at a legislative hearing on some controversial measure. Their features light up with his appearance; their eyes brighten; their pulses quicken. They behave like mastiffs who have caught a glimpse of a cat. In a political sense, they actually *love* the reds. This passion has reached the point, in my community, where councilmen circulate anonymous leaflets charging that the Communist Party has endorsed their rivals; indeed success seems to hinge on which candidate can first accuse the other of wearing the Communist colors.

Aided by the endless revelations of an endless procession of former members, the Communist Party has been invested with

most extraordinary powers. For the last three years, 150,000,000 Americans have been asked to believe that 75,000 Communists have the power to undermine the economy and, like termites, to nibble away the ideological structure. At every un-American investigation, the major strategic objective has been to build up this image of the all-encompassing, all-powerful accursed group. Huge graphs are exhibited, showing the tentacles of this octopus reaching into every hamlet and hamburger stand in America. Words are bandied about which seem to suggest secret power and mysterious influence: "apparatus," "factions," "cell," "operative," "agent," and so forth. Witnesses place Communist agents as close to the White House as the laws against libel and perjury permit and then go the rest of the way by innuendo. The power of this accursed group is, indeed, grotesquely inflated — to its clear advantage. The trade unions, the armed forces, the schools, the churches, the government — all are "honeycombed" with reds. One would think, therefore, that societies in which no Communists are supposed to exist, such as Greece and Spain, would be the model communities of this age; but the alibi is always adequate, even in these countries, for you can never be quite sure that *every* Communist has been drawn and quartered.

Similarly the reds are described as though their unity were fabricated from a special steel. The description, of course, parallels the anti-Semite's stereotype of the Jews as a powerful, clannish, unified minority. The myth is essential because, in its absence, the size of the minority alone would make the propaganda ludicrous. For the same reason, witches were invariably united by mysterious bonds and were always highly organized, the better to entrap the faithful. It was the ramifications of the "apparatus" of witchcraft, indeed, that induced thousands of people, well-armed and living in castles, to shudder when a frail old lady tottered along the trail that led to the woods. The power of the papists also consisted in their "unity" and discipline (always carefully contrasted with Protestant disorganization). They, too, were always in league with a foreign power; but, alas, so were the hated Dissenters, who, of course, were also the mortal enemies of the

papists! There was, of course, a witches' international and from one end of Europe to the other, witches were regarded as a fifth column, the secret enemies that might be found anywhere, even in a man's own house.[7] One thinks in this connection of Sam Wood, the nervous Hollywood director who made provision in his last will and testament requiring his heirs to execute non-Communist affidavits! As a sample of the "power" of accursed groups: when the cows went dry in one European village, during the witchcraft delirium, the explanation was offered that witches had magically milked them from a distance — by the use of straws.

Lastly the Communists are shrouded in mystery; they are a secret party. But, as with most "secret" organizations, there is a vast published literature about them; almost as large, in fact, as the library of witchcraft which we know, on the authority of Montague Summers, is incalculable (one bibliography alone contains 11,648 items). To the uninstructed, Communist doctrine is so much gibberish, as unintelligible as a medieval manual on witchcraft. *Dialectical Materialism* is, indeed, a witchlike formula. The Communists, too, claim a superior knowledge of world affairs and this contention is deeply resented. Then, just to make them the perfect accursed group, they are related to that most mysterious country, Russia. Even the Orient is far less mysterious, to the average American, than Russia. The folklore about Russia, which had reached vast proportions before Lenin was born, is now of an impenetrable density. Many American Communists just happen to be of Slavic or Russian-Jewish background and this, of course, completes the identification.

It is one of the functions of accursed groups to invest otherwise inexplicable public misfortunes with "a high degree of intelligibility." A palace revolution in Bolivia, a rice famine in China, a strike in Kansas City, all can be readily explained by reference to the accursed group. In short, the group provides *a single cause* for the multifarious evils of the world. "The high cost of living," writes Simon, "crushing taxes, ruinous competition, the difficulty of getting ahead, political crises, strikes, riots, wars: the simplest way to stand up against the mystery of all these accidents without

[7] *Witchcraft in England* by Christina Hole, 1947, p. 61.

losing one's sanity is to recognize in them — in each of them and each time they occur — the hand of the Jesuits, concerted action by the Jews, the dark plans of revolutionary associations." The single cause must act secretly (otherwise the majority could immediately cure the world of its evils by liquidating the witches); and the witches must be widely distributed so as to provide a plausible explanation for disparate and far-flung disasters.

Thanks to the accursed group also, we hope, as Simon says, "to free ourselves one day from the bitter hardships of a perpetual struggle against a multiplicity of difficulties." When the last Jew, the last Jesuit, and the last Communist have been disposed of, we can cease being bothered about the hardships and tragedies of human existence. We hope, in this delusion, to be able eventually to liquidate all these troubles in a single Herculean deed, in one great Napoleonic battle; "the entire coalition will be routed in one evening." The temptation to accept this belief is very great; everyone has experienced it. For example, the liquidation of the Russians would be a superb and glorious achievement. The problem of world unity would be entirely solved; the churches and the granaries would be filled to overflowing; and not even John L. Lewis would be able to disturb the peace, tranquillity and prosperity that would then prevail throughout this broad land. A tempting dream, a perfect fantasy. . . .

Finally the accursed group "serves to maintain the horror of our human condition within reasonable limits," thus fulfilling Satan's traditional assignment. But this function has, also, another meaning. As Karl Mannheim has pointed out, "The scapegoat system not only helps to relieve the community of guilt, but prevents hostility from being turned against the leader when dissatisfaction is aroused."[8] Despite the achievements of modern science and technology, this is a dreadfully uncivilized world, full of endless cruelties and privations. It is a world of anguish and bloodshed; of crime and corruption; of perversities, calamities, accidents, diseases, and violence without end. Merely to get up in the morning and, after bringing in the newspaper with the milk bottle and returning the emptied garbage pail to its place, to

[8] Quoted by Bramstedt, *supra*, p. 168.

sit down, before one is fully awake, and attempt to digest this daily diet of horrors imposes an enormous strain upon anyone. This much is attested by the statistics on mental illness in America. To be able to find a patented explanation for most of these horrors in the activities of a single accursed group is, as Simon has said, "no small thing."

3. THE IDEOLOGICAL SHELL GAME

> All things have very different meanings, depending upon the meaning you want to put upon them.
>
> — EDMOND TAYLOR in *Richer by Asia*

"Accursed groups" are never selected adventitiously; they are created. The process by which "accursed groups" are fashioned is quite similar to that by which racial stereotypes are fashioned. Certain traits which the minority possesses, along with all other people, are selected and combined to form a composite portrait of a most undesirable type. Individual members of the minority are then described wholly in terms of this stereotype and are believed to possess certain "innate and heritable and therefore unchanging and unchangeable" traits solely because they are members of that minority. The traits selected are invariably those which impute inferiority and thereby "justify" assignment to a secondary social role. The stereotype has the further function of making it almost impossible for members of the dominant group to get a clear view of the individuals who make up the minority. By a curious paradox, the stereotype, which is really a systematized delusion, becomes quite "real" and tends to influence, and often determine, relations between majority and minority. It becomes a "self-fulfilling prophecy," a prophecy that comes true although it is based on a delusion.[9]

Much the same process is used in creating a stereotype about a political minority. There are, for example, approximately 75,000 dues-paying members of the Communist Party in the

[9] "The Self-Fulfilling Prophecy" by Robert K. Merton, *Antioch Review*, summer 1948.

United States. Now despite the fact that a selective process has drawn certain personality types to the party and repelled others, thereby giving the membership a certain homogeneity, it is perfectly obvious that those members are not alike as human beings. If classified trait-wise, they would show the widest possible divergences. Yet when Communism is discussed we assume the existence of some "ideal type" – that is, we have selected the worst traits of all Communists and systematized them to form "an imaginary monster of error." For certain purposes, the creation of ideal types is a justified and convenient procedure; but this should not blind us to the fact that ideal types are man-made fabrications.

It is true that the stereotyping of a religious or political minority is less absurd than the stereotyping of a racial or ethnic minority, since racial identification is purely accidental, whereas affiliation with a political or religious organization can imply conscious preference. Nevertheless the fact that 75,000 people *profess* to believe the same creed does not make them alike, even in the intensity of this belief. For example, there are 423,000,000 Catholics in the world. Patently they would distribute themselves over the widest possible spectrum of traits, including the degree of their attachment to Catholicism. Similarly there are 700,000,000 "Marxists," we are told, in the world today. But this is patent nonsense. There are not that many people in the world who can identify the name of Karl Marx. Clearly, therefore, it is a dangerous delusion to speak, in world terms, of Catholics and Communists as though all Catholics and all Communists were alike.

When a minority is stereotyped, it is always by a dominant group with a particular strategy in mind. The stereotype is a technique by which subordinate status is enforced, and this is particularly true of the stereotypes of religious and political minorities. "It is altogether impossible," wrote Macaulay, "to reason from the opinions which a man professes to his feelings and his actions; and in fact no person is ever such a fool as to reason thus, *except when he wants a pretext for persecuting his neighbours.*" Negro maids in the South, as Dr. Hortense Powder-

maker discovered in writing *After Freedom*, have a much more realistic understanding of their mistresses than their mistresses have of them. The minority cannot afford to be blinded by too many delusions about the majority, and by minority, in this sense, one really means the subordinate social groups. Workers may talk a great deal of nonsense about "the bosses" but they are never capable of quite the same social blindness as spokesmen for the upper classes who speak of "mass man" and "the working class." Their relation to the *situation*, the particular view that they have of the social scene, prevents this degree of blindness.

Strategically it is utterly stupid to assume that all Communists are alike (witness the Tito defection). Those who hold this belief indicate that they are, unwittingly, sympathetic to a major point of Communist dogma; for this is the way Communists reason about non-Communists. The myth of Communism stresses the existence of an ideal type, the good Communist, to which all other Communists are urged to conform. But this ideal type never existed outside the imagination of Communists any more than "the good Christian" is to be found anywhere in Christendom. The use of such phrases is simply a manner of speaking; the type is merely an ideal, an aspiration, a myth. To take this myth seriously, *for all purposes*, strategic as well as propagandistic, is to be victimized by a serious delusion.

I know that I shall be told that I have never had to negotiate with the Russians at Lake Success. As a matter of fact, I never want to be given the assignment for I am painfully aware that Communists often *act alike* even though they are not alike. It is quite true that ideological delusions can deeply color a person's thinking about other groups and can influence his behavior toward these groups; but this is merely another illustration of the principle of "the self-fulfilling prophecy." Communists, of course, have their ideological delusions. Taught to believe certain things, associating constantly with those who also believe these things, they come to act upon the assumption that their prophecies about other groups are true. But the mere fact that people should act alike in certain situations and relation-

ships does not make them alike and the belief that it does only gives vitality to the delusion. For when *we* act toward them as though their delusions about us were real, we convince them, as nothing else could convince them, that their delusions are real.

Edmond Taylor has shown a wonderful insight into the nature of "institutional delusions" of this sort and the relationship between ideology and behavior.[10] When they first came to India, he points out, the British civil servants were not alike nor did they think alike, although they may have been blinded by a similar stereotype about Indians. But the *business* of being a British civil servant, and the *situation* in which this placed all those who held this relation to Indians, built up, over the years, an occupational ideology which eventually blinded a majority of British civil servants to the most unmistakable Indian realities. The British were well trained; they had long experience in dealing with Indians and firsthand knowledge of things Indian. Indeed the experience was so overwhelmingly "real" that they ridiculed any suggestion that there might be aspects of the situation which they did not understand.

Yet on investigation, Taylor found that an amazing amount of misunderstanding and delusion existed which he traced to the relationship in which British civil servants knew Indians most intimately — namely, that between the Sahib and his bearer or servant. This relationship, of course, was calculated to create gross delusions in perception on the part of both groups. The British went about looking for "insolence" in the Indians, the way the Indians looked for "insults" from the British. The white man's "anti-native" political ideology was matched, point by point, by the native's "anti-white" racist ideology. The British could no more understand that their rudeness provoked the "insolence" of which they complained than the Hindus could understand that their threats and insults had anything to do with the hostility of the Moslems.

Similarly, there can be no doubt that the business of being a Communist, of associating largely with other Communists, and of seeing and describing events in terms of the Communist

[10] *Richer by Asia.*

ideology, does make for the acceptance of certain similar attitudes, of a similar manner of reacting to events, and of certain feelings of hostility toward other groups. This is merely to say, however, that the Communist ideology can blind people to certain aspects of reality, just as our "success ideology" can blind us to certain aspects of American life. This juxtaposition of delusions leads to the double paradox that an "idealistic" people, the American, are much more realistic, in some respects, than those "materialistic" Russians; and, conversely, that the materialistic Russians have more social idealism, in some respects, than the idealistic Americans. After all, Russians see Americans, and vice versa, within the limitations of a certain *situation* and hence neither's view of the other is free from delusion. In this case, moreover, cultural differences fuse with ideological conflicts to create a formidable barrier to understanding. But if we succumb to the delusion that the Russians are "monsters of error," then an international witch hunt or third world war is made more likely than the situation, however grave, might indicate.

Institutional delusions always contain a perverse or distorted reflection of reality. Take, for example, the delusion of claustrophobia from which great powers have been known to suffer; in which they fear, at the pinnacle of their powers, that they are being "encircled" and "surrounded." One explanation for this acute delusion is that great powers suffer, occasionally, from unrecognized ills, of which "gigantism" is, perhaps, the most important. Great powers have been known to attempt a solution of this problem by a further expansion in territory or influence when it is precisely gigantism from which they are suffering. Great-power delusions, moreover, are an aspect of *the relation* of these powers to each other and to the rest of the world; they can only *see* the world, so to speak, from one window. And this relationship is historical as well as geographic. The Russian suspicion of foreigners is certainly not Communist in origin; and the American identification of socialism and socialist ideals with "foreigners" and "aliens" has little to do with "free enterprise."

The members of social groups which harbor delusions about

other groups will act toward the members of these groups as though the delusions were real. At one time, seamen in the West Coast ports feared that longshoremen were being used to displace them from various port jobs which they had traditionally performed. And since longshoremen were actually being used in this manner, the delusion arose that all longshoremen were "scabs." Actually, of course, the longshoremen were victims of a situation which made them appear to be "scabbing" on sailors. This occupational delusion is in part responsible for the continuing friction between the seamen, under Harry Lundberg, and the longshoremen, under Harry Bridges. When groups are found locked in opposition, we need to inquire, as Edmond Taylor puts it, what there is about the *situation* that makes "mask meet mask" rather than man meet man. Sometimes, too, the collision is caused by a storm which is blowing up in the world of which the parties are unaware. In any case, it is the storm, the situation, that we need to study, for there are no "damned" in this world, and no monsters or witches. The Devil is a situation.

4. THIS PARANOID AGE

> We are living in a paranoid age in which people fail even to understand that they do not understand each other.
>
> — GUSTAV ICHHEISER

There is a sense, however, in which the Devil is in every man. That a belief in witchcraft should survive in the atomic age is in part to be accounted for by the fact that man's mechanism for social perception is inherently faulty. People can be victimized by social illusions in much the same sense that they can be deceived by optical illusions. In some periods, this mechanism functions with fair efficiency; but in periods of storm and stress, the mismated bifocals by which we try to perceive social reality become weirdly out of focus. Merely to glance at the headlines should be enough to convince us that we live in

a paranoid age; but those who want further proof can read, as Edmond Taylor has suggested, the headlines in some newspaper published by a party, nation, or social group with which their group is in conflict!

Social delusions, of course, are much more a disease of society than of the individual; nevertheless man's perception of social reality is, as Dr. Gustav Ichheiser has demonstrated, inherently defective.[11] With Dr. Ichheiser's exposition of the technical problem, I am not concerned; but one or two of his conclusions have a direct bearing on the belief in witchcraft and witches. Nearly all of us believe, he notes, that we observe other people in a correct, factual, unbiased manner. It seldom occurs to us that our vision might be distorted, as, in some degree, it always is. For one thing, it is the visible in social relations that impresses us; the invisible factors, which may be of great moment, we do not see. The failure to make allowance for these invisible factors can lead to the gravest distortions and delusions.

For example, Dr. Ichheiser notes that coercion is usually recognized as coercion, by those not directly involved, only when it "takes the visible forms of outright violence." Hence "visible" coercion is always more objectionable, in the eyes of the observer, than "invisible." The first type impresses us as "real"; of the second, we are seldom even aware. In recognition of this principle, shrewd ruling groups in society "have always been very eager to replace visible forms of coercion by invisible forms, knowing very well that this procedure creates the peculiar social illusion that there is no coercion operating in a given social order" – an illusion that is clearly apparent in most current disputes about civil rights.

Congress has passed no laws limiting the freedom of the press, yet this freedom is being further limited all the time. Since 1909 the number of daily English-language newspapers has fallen at a fairly constant rate despite a great increase in literacy, population, and total circulation. Only one out of twelve of the cities in which daily newspapers are published

[11] *Misunderstandings in Human Relations: A Study in False Social Perception* by Gustav Ichheiser, 1949.

have competing dailies; of an estimated daily newspaper circulation of 48,000,000 some 40 per cent is noncompetitive. These figures have a clear relevance to "freedom of the press"; yet we find it far more objectionable when a totalitarian regime openly suppresses a paper than when one disappears by merger in this country. Today civil rights are being robbed of meaning by invisible pressures and restraints which, if they continue, can make certain civil rights as meaningless as the "freedom of sacrifice" which the Nazis sloganized following their defeat at Stalingrad.

The same mechanism which makes it possible for us to see some factors in human relations but not others also tends to blind us to the *situational* factors influencing the behavior of "other people." Many attitudes, motivations, and aspects of behavior lie "beyond the range of our psychological comprehension because other people are placed in a situation which is radically different from our own." [12] Suppose, suggests Dr. Ichheiser, four windows open on the same scene but each window has a different color. The scene will appear red, green, yellow, or purple, depending on which window you are looking through; the actual setting may be black. These situational factors are often responsible for conveying an utterly distorted meaning of such concepts as "freedom" and "liberty" to particular groups. For example, privileged groups have been known to call an economic insecurity bordering on wage slavery, freedom. Conversely, these groups denounce as slavery social arrangements which, in terms of the situation of the people involved, may actually represent a form of liberation from prior oppression.

This particular form of social blindness – the failure to see the life situation of the other person – leads to the most inaccurate judgments. When the other person protests his life situation, we charge him with being "aggressive"; when he fails to protest it, he is "inefficient and helpless," or, as we say of underprivileged nations, backward. The plight of the other person is usually interpreted in terms of "moral" characteristics involving praise or censure. If he is poor, it is because he is "lazy"

[12] Ichheiser, *op. cit.*

or "intemperate" or "backward." We see *him;* we do not see his *situation.* "Many things," writes Dr. Ichheiser, "which happened between the two world wars would not have happened if social blindness had not prevented the privileged from understanding the predicament of those who were living in an invisible jail. It would be good perhaps if our justified horror about visible concentration camps would not blind us to the horrors of 'invisible concentration camps,' of which there are a great many in modern society. . . . Finally we should try to understand better than we do that those who commit visible atrocities are often only taking revenge for invisible ones of which they themselves were victims." Similarly, wherever the reality of persecution has existed, the delusion of persecution remains.

The tendency to ignore situational and other invisible factors is directly related to the belief in witches, ancient and modern. As I write these lines, the community in which I live is in a lynch mood over the commission of an atrocious sex crime. The man who committed this crime is described, in terrifying headlines, as a sex fiend. The newspapers relate, with obvious glee, how spectators at his trial have expressed a desire "to tear him limb from limb," to mangle and mutilate his body. Yet these same newspapers also carry the story of the man's life and from this story it is quite apparent that this is a sick human being, not a sex fiend or any other kind of fiend. But to many people this old man, who is desperately ill, is a fiend, a devil, a witch to be burned.

A little girl falls, headfirst, into an abandoned well. Here is a "visible" tragedy. The community forgets everything, including the Russians and the atomic bomb, and concentrates its concern on the fate of this beautiful child. Vast crowds gather at the scene of the attempted rescue; newspaper extras roll from the presses; newsreel cameramen and radio commentators haunt the scene; feats of incredible heroism are performed in a desperate but unsuccessful effort to rescue the little girl. The circumstances which made this a sensational news story brought to light the fact that occurrences of this kind are by no means unique; that, indeed, similar tragedies happen all the time. Al-

most every week, in fact, some little girl, somewhere, falls into an abandoned well. For a month or so, the newspapers carried stories about similar tragedies but they soon ceased to do so because these tragedies were remote and therefore "invisible." A thousand little girls could perish in abandoned wells in China without creating a ripple of interest in Los Angeles.

If a man is drowning in a lake, his peril is clear and other people, including his ideological enemies, will run to his rescue, regardless of the risk. But, as Dr. Ichheiser points out, if this same man is drowning in the "invisible" ocean of unemployment, his predicament is likely to be ignored or rationalized in conformity with the prevailing "ideology of success," one tenet of which is that the thrifty and competent never fail. Even the victim, who better than anyone else should know that his failure is due to impersonal causes, may actually develop feelings of profound "guilt" and "blame" himself for a situational tragedy. Here, again, one notices the principle of the self-fulfilling prophecy.

Closely related to these "illusions" is the form of self-deception described by Dr. Ichheiser as "the mote-and-the-beam mechanism"; that is, the tendency to perceive in others, as something peculiar to them, certain traits which we are unable or unwilling to perceive in ourselves. It is only the Russians, of course, who are suspicious of foreigners. Gromyko is "rude" but Senators Butler, Wherry, and Ferguson are models of American politeness. This tendency is the reverse of that by which we attempt to project on others the impulses of which we wish to rid ourselves; here we identify traits in them of which we are unaware in ourselves. The mote-beam mechanism consistently undermines the belief in the unity of human nature by making other people appear "inhuman" or "beyond the pale" or victims of monstrous errors. This, of course, is the way heretics are marked for persecution.

Dr. Ichheiser lists other sources of distortion which have a direct bearing on heresy hunts and similar forms of social delusion. There is, for example, the tendency to overestimate the unity of personality (each Communist is of one piece and all

Communists are alike); the tendency to interpret other people in terms of our norms of success or failure (the Hindus are "backward" although India is one land that has never indulged in a witch hunt); to rely upon stereotyped classifications of all sorts, occupational, racial, and socioeconomic (a tendency which leads directly to the doctrine of guilt-by-association); the tendency to stabilize the image of other people and to make this image more "definite" by conveniently forgetting inconsistent details; not to mention the distortions that come from looking at other people through the glasses of some particular ideology. And then there are the delusions which arise from the fear of "the storm" – the fear of approaching war, of economic collapse, of revolution – fears that distort reality by creating a delusion – the phrase is Taylor's – of "the boundless hostility" of the hypothetical enemy.

Each of these delusions, and all of them combined, interact upon reality; they are all self-fulfilling prophecies. What many people, over a period of years, expect will happen generally happens. After 1905, the residents of the West Coast "just knew" that we were "destined" to fight Japan; and many of them proceeded to act toward resident Japanese-Americans as though war had been declared, thereby making the eventual declaration of war that much more certain. It is dangerous for an individual or a group to carry about a distorted image of some other person or group; the image may turn into a real monster. By making the other person worse than he is, we not merely deceive ourselves; we often encourage him to act the part which he plays in our delusions. Wherever ideological and cultural factors play a major part in a conflict situation, the resulting tensions, as Edmond Taylor puts it, are "less because men's values clash than because their delusions collide."

There is always a discrepancy between ideological norm and social reality but, in fairly stable periods, the discrepancy is kept at a minimum; there is, as astronomers would say, little "atmosphere wobble" to interfere with perception. But the greater the discrepancy becomes, the greater also becomes the distortion in social perception. Heresy is a symptom of this

discrepancy. Its appearance suggests that some people in the society have become conscious of the prevailing ideology, and to be conscious of an ideology is to be potentially critical of its myths. Heresy is an evidence of ideological derangement which finds reflection, also, in the estrangement or alienation of the individual. But as Dr. Ichheiser emphasizes, "A deeply intrenched ideology . . . never disintegrates by merely rational consideration or purely intellectual criticism." The failure to recognize this truth is at the root of most heresy prosecutions.

Although our ability to understand *other* people is inherently limited, the possibilities of misunderstanding reach fantastic proportions in an age such as ours in which unlike peoples have been thrown into an entirely new intimacy and when the discovery of atomic power has invested the horror of war with an entirely new dimension. Furthermore, the specialization, depersonalization, and compartmentalization of occupations and modes of living have created endless possibilities for misunderstanding since each major occupational and social group tends to develop its own ideology. Within the same society, people today can live in a dozen "different" worlds, each with its own ideological presuppositions. Even where two groups are supposed to be in sympathetic accord, as the leaders of the resistance movements and the masses they were supposed to represent, the distance between the two may be so great as to make, as it did make in many European countries, for an almost total failure of understanding.[13]

Merely to point out a few forms of misunderstanding based on delusion is to emphasize the importance of a scrupulous respect for civil rights in a paranoid age. When two large nations indulge in fairly well systematized delusions about the other, both nations can be as dangerous as though they were individuals suffering from acute forms of paranoia. They hear voices and see visions. They are pushovers for Satan's strategy. What, then, is the paranoia from which this age is suffering? Here is Edmond Taylor's definition:

[13] See Bramstedt, *op. cit.*, p. 195.

Described in political terms, paranoia is the madness which makes individuals behave like states, which makes them self-patriots, self-chauvinists and self-racists. It is the self-sovereignty which makes the aggressions of others always seem persecutions, while sanctifying one's own persecution of others. It is the condition of being perpetually worried about one's status, perpetually suspicious of the designs of others. It is the feeling that murder to defend or even to enhance one's sovereignty is somehow not murder but a necessary sacrifice for a great cause. It is the habit of being one's own espionage service, of turning speech into political propaganda for the furtherance of self.

XV

The Semantics of Persecution

One of the techniques of successful witch hunting consists in an amazingly dexterous use of certain slippery words and phrases. Invested with all sorts of dark meanings and sinister implications, these words and phrases are used as command signals. Indeed a choruslike ritualistic use of the particular word or phrase, over a sufficiently long period, and with the proper sanctions behind it, can produce a conditioned reflex in an entire people. In such cases, social therapy requires that the victim be urged to play with certain semantic blocks. Once he has learned to manipulate these symbols, they no longer have the power to distort reality. In this chapter, I want to examine three witch phrases of our day: "a member of," "force and violence," and "agent of a foreign power."

1. ARE YOU OR HAVE YOU EVER BEEN?

The question of how witches are to be identified is one of the most vexatious problems of any inquisition. The key to the problem, however, is always found in the fact that witches love company — at the Sabbats or elsewhere. Where there is one witch, there are always others. The way to catch witches, therefore, is to identify one witch and then see with whom this witch associates. In modern times, with association being much more informal and "freer" than ever before, it has required clever rationalization to invest the mere fact of association with this significance. To this end, a dogma has been made of the assumption that every member of an organization wholeheartedly ac-

cepts all of its doctrines in the sense in which these doctrines are interpreted by persons not members of the organization. To make this large assumption plausible, the phrase "a member of" is bandied about as though it had a single, precise, unalterable meaning, or, stated another way, it is assumed that "membership" can be determined by simple one-dimensional objective tests.

At the outset, one notes that to be "a member of" has two meanings: technical or legal membership; and membership in some broader sense, as of identification or sympathy. The first refers to the type of proof that would satisfy a court for the purpose of attaching legal consequences to an act. Intention is not necessarily a controlling factor in this conception of membership. In the legal sense, one can be a member of an organization with which one feels little identification or about which one knows nothing whatever. What a court does in passing on questions of legal membership is simply to read the evidence in the light of the definition of membership to be found in the bylaws.

In the current witch hunts, it is quite clear that "a member of" is not used in this sense. Congressman Richard Nixon is obviously not concerned with whether Mr. X is a member of the Communist Party in the sense, for example, in which a court might hold Mr. X responsible for a judgment entered against the party or for an assessment levied in its name. In questioning witnesses before the House Committee on Un-American Activities, he uses the phrase in an entirely different sense and it is this special usage which creates the first slight distortion in perception. What he really wants to know, although this is not made clear, is whether Mr. X subscribes to *any* of the stated aims of the Communist Party or feels sympathetic, in the slightest degree, to the party, its program, or its philosophy.

But even in this ideological or political usage "a member of" is essentially ambiguous. It has, in fact, many meanings. This is necessarily true since an ideology or a program cannot command the same degree of acceptance, or even the same kind of acceptance, that would be involved, for example, in accepting the bylaws of a fraternal lodge or a social club. In the legal sense,

membership is objective; in the political sense, it is subjective. Subjective adherence to a party or its program is basically a question of degree. In this sense, membership measures the degree of solidarity, which may be complete or partial, temporary or permanent, whimsical or serious, past or present. If objective, legal membership were the issue in witch hunts, it would not be necessary to create special tribunals to inquire into heresy.

It will be countered, of course, that "a member of" has a clear-cut, simply understood meaning which can be applied to political as well as other types of membership. But, if this is true, then why are so many different uses and meanings to be found in the proceedings of the various un-American investigations? From these sources *alone*, it appears that the phrase "a member of" can have any of the following, and many other, meanings:

1. Admitted membership. In this sense, the phrase means a registered, dues-paying, self-acknowledged, fully convinced member of the particular organization. In effect this is the "legal" type of membership.

2. Concealed membership. Here Mr. X has joined the Communist Party. He subscribes to its doctrines; he pays dues; he attends meetings. But he never took out a membership card or, if he did, it was under another name. With this type of membership, however, the degree of concealment may vary. For example, Mr. X may not, and usually does not, conceal his real identity from either the officials or the members of the party that he knows.

3. Strategic nonmembership. The strategic nonmember subscribes to the doctrines and perhaps pays dues; but he is not known to the public as a Communist nor is he known to rank-and-file Communists as a member nor does he take part, in any guise, in party activities or functions. It is quite probable that the strategic nonmember, whatever his conscious convictions, experiences considerable difficulty in identifying himself with the party. The nature of the relationship, in fact, implies some reservation. For example, can a person *feel* any real identification with a mass organization in which he has never participated

as a member? Can you feel like an Episcopalian if you have never attended church services or participated in the rites of the church?

4. Membership by interest. This type of membership assumes that one can be a member of a particular organization merely by reason of an intense interest in its doctrines and activities. This may seem to be a fanciful notion but the psychological and also the political reality is incontestable. A certain *degree* of interest, sustained over a sufficiently long period, might well be tantamount to membership. Here, of course, the legal conception of membership is completely misleading.

5. "Subject to the discipline of." This is a form of membership long recognized by all the professional "experts" on Communism. It refers to a relationship which is distinguishable from those noted thus far. A person can be subject to the discipline of an organization without being a member, in the legal sense, or, for that matter, in any other sense. For example, a person, for a variety of reasons, can be subject to the discipline of an organization that he intensely dislikes. Examples: the politician who hopes to pick up a few Communist votes; Louis Budenz after he decided to leave the Communist Party but while he was still on its pay roll; the young lady who travels in left-wing circles to keep her job as the secretary of some organization or her "friend," who is a party functionary.

6. Membership by assumption. The various un-American investigations are full of instances in which witnesses have identified other persons as being Communists on the basis of pure assumption. "I never attended a meeting with him," testified a witness before the Canwell Committee; "or even a closed meeting. I just assumed that he was because he was accepted by the leadership . . . as one of the good fellows."[1] The ambiguities here are as thick as a swarm of bees: what does "accepted" mean? how "good" must one be to be a "good fellow"; and, in both cases, whose standard of "acceptance" and "goodness" is being applied and for what reasons and motives? It is not to be assumed, however, that this concept is meaningless. If other

[1] Canwell Committee Hearings, Vol. II, p. 63.

members assume that Mr. X is a member, and he acts as though the assumption were true, knowing of the assumption, isn't it apparent that, in a sense, he is indeed "a member of"? A judge would say that X is "estopped" to deny membership. Under these circumstances, also, Mr. X might actually have *a feeling of* identification as strong, and as real, as though he were a member.

7. Membership by reputation. This type is a variant of the one above. If Mr. X is consistently discussed as though he were "a member of," the experts would say that the real members were justified in regarding him as a member; hence merely because of the reputation he bears, he should be regarded, for purposes to which the most serious consequences attach, as "a member of." Indeed, under the spell of this sorcerer-like doctrine, witnesses have *sworn*, under oath, that people were "members of" the Communist Party. In this instance, the belief that X is a member can be based upon a pure delusion. His "reputation of membership" may be fictitious, maliciously inspired, or deliberately assumed, as for espionage purposes, or indeed many other purposes.

8. Lapsed membership. Many examples of this type are to be found in the perjury-stained pages of the un-American inquisitions. For example, the Communist apparatus in Connecticut once completely collapsed, as a result of some internal dissension. When the apparatus was reconstituted, certain former members were unknown to the new officials and were never approached to rejoin the party – more accurately, to resume their activities and the payment of dues. But could a person who was "a member of" at the time of the debacle testify today, under oath, that he was no longer a member of the Communist Party? He *was* a member; he never resigned; he was never expelled.

9. Fellow traveler. To the experts, the fellow traveler is merely another type of member. The test, here, is not "subject to the discipline of," but the taking of parallel political positions over a long period of time. This category, a favorite of the experts, makes very little sense, for the taking of parallel political posi-

tions can be accompanied by an active dislike of the party and all its works.

10. Former member. The hearings are full of cases in which individuals who, at one time, gave a vague assent to the idea of membership later just as vaguely dropped out of membership. In many of these cases, the individual would have as much difficulty in proving that he was *no longer* "a member of" as it would be difficult to prove, affirmatively, that he was ever a member. The former member may have repudiated some phase of party doctrine although continuing to accept most of its teachings. Is he still a member? The experts would say yes; because, to them, one cannot purge the taint of heresy except by formal abjuration. To them, a former member remains a member until he formally repudiates the heresy. Leaving an organization is, indeed, a process with as many gradations as joining. A witness before the Canwell Committee testified that she had "gradually left" the Communist Party.[2] The unsophisticated will deny that it is possible to leave an organization "gradually"; you are either a member or not a member. But the obvious truth is that membership, in the political sense, has almost as many gradations of meaning as there are individual members of any particular organization. For the reality of membership, in this sense, is really subjective; it is a question of feeling, of identification, of attitude.

It is for this reason that complete credence can be given to the stories of individuals who, although they once "carried a card," have later contended, in all seriousness, that they "never really were members." One of the witnesses in the Canwell investigation testified that he had always felt like "a spectator" at party meetings; that he had never really thought of himself as a member; yet he readily admitted that he had gone through all the rites of membership. The truth is that people join organizations for all sorts of reasons and sometimes for no particular reason. Sometimes, for example, a person joins an organization out of a sense of personal loyalty. Mabel Winther, wife of Dr. Sophus Keith Winther of the University of Wash-

[2] *Ibid.*, Vol. II, p. 305.

ington, testified that she joined the Communist Party "because my husband had been inducted into the Party." [3]

To "have been" a member is to mark a person as a continuing suspect since it clearly indicates the existence of the disposition or tendency which is heresy. But prior membership can have a thousand connotations: a person could have belonged to the proscribed organization one, five, ten, or twenty years ago; and, similarly, a person's prior membership could have been for an hour, six months, or ten years. Yet the consequences which attach to having been "a member" are not, needless to say, adjusted to this complex scale of identification.

Nor are these distinctions Talmudic; on the contrary, they measure an unassailable reality. Bona fide legal membership in the Communist Party can be utterly devoid of political significance, as in the case of morons, informers, and me-too wives who have followed their husbands into the party. And it is precisely for this reason that the witch hunters have always had a better grasp of the reality of membership than common-sense observers and trained jurists. The heresy hunter knows that, to bell the cat, he *must* conduct a personal inquisition. He is well aware that, if he is to catch the witch, he must cross-examine the suspect, in minute detail, as to his beliefs, his attitudes, and his most intimate personal convictions. For this is the only way by which the political or ideological significance of membership can be explored. The heresy hunter is also entirely logical in insisting that the suspect undergo certain ordeals; that he be subjected to a war of nerves. For the inquisitor proceeds upon the assumption that those who have espoused heresy for frivolous reasons will not hesitate to abandon or denounce it; only the confirmed heretic will remain defiant. Hence any inquiry into membership must necessarily turn into a personal inquisition if it is to succeed in its prime purpose. Today as yesterday, inquisitors know their business. It is foolish to talk about "reforming" their procedures; the procedures are what they are because of the nature of heresy. To say, therefore, that joining the Communist Party is "an act" which can be deter-

[3] *Ibid.*, Vol. II, p. 28.

mined without an inquiry into the suspect's deepest beliefs and convictions is sheer nonsense. If the members of un-American committees are not to be accused of being frivolous or insincere, it must be admitted that the nature of their assignment requires them to probe consciences, to inquire into beliefs, to test convictions. In a period of great social crisis, the belief that needs to be taken seriously is the belief that cannot be shaken even in the shadow of the gallows.

Paradoxically, the heresy hunters, who have developed the various "types" of membership, of which only a few illustrations have been given above, refuse to recognize the reality which they themselves have discovered—namely, that membership is like a spectrum; that it has many gradations of meaning; and that the real test goes to the intensity of feeling, which is purely subjective.

2. "*BY FORCE AND VIOLENCE*"

It often happens that even the politically sophisticated are unaware of the real meaning of certain words and phrases which they have discovered can be used with great emotive force. To certain of these phrases, people respond as a neurotic might respond to some forgotten image or symbol of his childhood. The real meaning having been lost, or perversely pushed to one side, the person responds without knowing how or why the phrase has come to have some strange, despotic power over his imagination. Such a phrase, with us, is the ominous expression "by force and violence."

The real meaning of this phrase is buried deep in the collective unconscious of all peoples living in industrial societies, for it identifies a traumatic experience through which all such peoples have passed. With us, the phrase has a most specific history. Prior to the Civil War, the phrase was either unknown or wholly lacked its present connotations. Today one is shocked by the free-wheeling, uninhibited, patriotically blasphemous candor of pre-Civil War political discussion in the United States.

No Communist orator ever dreamed of denouncing the Constitution of the United States as it was denounced by William Lloyd Garrison. The long shadow cast by the phrase "force and violence" on the concept of free speech had not then fallen across the intellectual life of America. Governors, Senators, and Congressmen thought nothing of defying the federal government and of advocating that it be overthrown or superseded.

The guarantee of free speech, which for the first time in history found formal sanction in the First Amendment, is wholly, and intentionally, unequivocal. It was intended to mean precisely what the amendment states, namely, that Congress shall make *no law* abridging the freedom of speech. And it meant just this until about the fourth day of May, 1886, when a bomb was thrown in Haymarket Square in Chicago, killing eight policemen and wounding many spectators. The person who threw the bomb, of course, was never arrested. But the state of public opinion being what it was, it became necessary to convict someone and the conviction had to be based, not on an overt act, but on words, incitement, and an alleged conspiracy. Accordingly the prosecution invented the fiction that inasmuch as Spies and Parsons and Fielden had advocated the use of force and violence, not once but many times, and had even urged the manufacture of bombs, their culpability was clear. Thus eight men were convicted of a murder with which the evidence connected none of them and the conviction was sustained by the Supreme Court of Illinois and by the United States Supreme Court.

At the time, it was clearly recognized that the convictions had been secured by the use of *a new doctrine*, namely, "advocacy by force and violence," whereas today we accept this doctrine as though it had always been a part of the Anglo-American legal tradition. Robert Ingersoll, among others, immediately recognized the precedent as a new departure. "It will be," he said, "a great mistake to hang these men. *The seeds of future trouble will in this find soil.*" Governor Richard Oglesby, who saved two of the defendants from the gallows, had been an active Abolitionist and a great friend of Lincoln's. Referring to

the decision of the Illinois Supreme Court, he once told a friend: "If that had been the law during the anti-slavery agitation, all of us Abolitionists could have been hanged long ago." And there can be no doubt that he was right. Even Judge Joseph Gary, who presided at the trial, later admitted that the convictions were based upon "new law." "They were hanged," he wrote, "not for opinions but for horrible deeds." But once words, and words alone, are used to connect people with "horrible deeds," it is a delusion to believe that words do not form the basis of the conviction. What then had happened, in American life, that had made it necessary to place a brake on free speech and the agitation for social reform?

In 1886 a majority of the American people doubtless believed that the reality of the Haymarket case was to be found in the rhetorical violence of the Chicago anarchists. Just as these anarchists were deluded enough to believe that revolution was imminent in the America of 1886, so the American people were sufficiently deluded to believe that there was a real danger of their institutions being overthrown by the advocacy of "force and violence." Both beliefs were weirdly unreal. The half-dozen anarchists who harangued the lake-shore meetings drew crowds of only fifty or sixty people during a period of great industrial unrest and America was then at the beginning, not the middle or the end, of a period of great industrial expansion. Nevertheless the delusion under which the American people were suffering, their fear of force and violence, had, like most delusions, a reality of its own.

For the Haymarket case was one of the great forerunners of industrial strife in the United States. It was one of a series of dramatic events which, in the 1880's, symbolized the birth of a new social order. This new social order, in the United States as elsewhere, was born in force and violence. The people were quick to sense that some profound change had taken place; that values which they deeply respected were being violently uprooted; that some dreadful crime was being committed of which the Haymarket affair was a symbol; that, somehow, the "domestic tranquillity" had been irrevocably shattered. In short,

the force and violence with which the industrial revolution came invested the phrase with a lasting meaning and significance. And among the feelings which the phrase evokes today is a feeling of guilt which is all the more powerful because it is not recognized as guilt; a feeling which relates to the fact that innocent men have gone to the gallows in America because they selected the wrong words to express their aspiration for social justice. It is this buried, long-forgotten, once-pregnant meaning of the phrase which P. A. Brown had in mind when he said that in Great Britain "force and violence" related back to some half-buried tradition.[4] Thus to latch an indictment with this ominous phrase has always meant more than the words would seem to imply.

To be sure, the "domestic tranquillity" had been broken in the United States on many occasions prior to the Haymarket affair; there had been strife and unrest, slave revolts and tenant riots, Abolitionists and Copperheads. But there was a special quality about the strife which came into being with the rise of industrial capitalism. The ideology of Socialism, which came with the new social order, seemed to be foreign-inspired and, indeed, was first advocated by "foreigners." But the real difference consists in the quality of the uneasiness and insecurity that came with the transformation of the economy. Enemies that can be seen can be opposed but those that cannot be seen can only be feared and hated. The difference is best expressed, perhaps, in the troubled feelings that Tom Joad and Muley, the "ol' graveyard ghos'," voice in the opening scene of *The Grapes of Wrath.*

Neither Tom nor Muley could identify "the thing" that had set man against man. The secretary to the warden had told Tom, before he left the prison, that "it don't do no good to read books. Says he's read ever'thing about prisons now, an' in the old times; an' he says she makes less sense to him now than she did before he starts readin'. He says it's a thing that started way to hell an' gone back, an' nobody seems to be able to stop her, an' nobody got sense enough to change her. He says for God's sake

[4] *The French Revolution in English History,* 1918.

don't read about her because he says for one thing you'll jus' get messed up worse, an' for another you won't have no respect for the guys that work the gove'nments." And Muley then points to the difference between "her" and all other predicaments and contentions. "When you're huntin' somepin," he says, "you're a hunter, an' you're strong. Can't nobody beat a hunter. But when you get hunted – that's different. Somepin happens to you. You ain't strong; maybe you're fierce, but you ain't strong. I been hunted now for a long time. I ain't a hunter no more. I'd maybe shoot a fella in the dark, but I don't maul nobody with a fence stake no more . . . there's one thing about being hunted. You get to thinkin' about all the dangerous things. If you're huntin' you don't think about 'em, an' you ain't scared." But from "this one," how do you escape? Which way do you turn? Where do you go? What to do? Who, as Muley asked, do you shoot?

It was, indeed, the peculiar nature of the new social crisis that brought about the necessity of reading a limitation into the unequivocal guarantee of free speech contained in the First Amendment. After 1886 the limitation was clearly implied: one could still speak freely *except* that one could not "advocate the overthrow . . . by force and violence." After 1886 the phrase, unknown prior to the Civil War, began to echo in court decisions, state enactments, city ordinances, injunctions, criminal syndicalism acts, and, during the First World War, in the Sedition Act. Actually the phrase did not need to be repeated; it was always there, deeply embedded in the American unconscious, added by implication to the First Amendment.

Now the fact is that it is *not* a crime to advocate anything whatever in the United States, including the overthrow of the government by force and violence despite the possibility that the Supreme Court may uphold the American unconscious when it rules on the Smith Act. But the nearest the court has come to doing so, in the past, has been to raise up the "clear and present danger" doctrine as a test of permissible speech. Yet this phrase has little meaning. As Alexander Meiklejohn has pointed out, why must the danger of speech be present before the police power can be evoked? If speech is that dangerous, it ought to be sup-

pressed. In conjuring up the "clear and present danger" doctrine Dr. Meiklejohn accuses Holmes and Brandeis of following the procedure described by James Stephens:

> I would think until I found
> Something I can never find;
> Something lying on the ground,
> In the bottom of my mind.

That, indeed, is where they found the "clear and present danger" doctrine: in the bottom of their minds; deeply buried in the American unconscious. The First Amendment does not say anything about "force and violence" or dangers "clear and present"; it says, Congress *shall make no law.*[5]

The effect of these qualifications about "force and violence," and "clear and present danger," as Zechariah Chafee has observed, was to make "the traditional language of socialism" subversive, and this was, indeed, the intention. The traditional language of Socialism was European in origin and it had been coined under circumstances which clearly called for the revolutionary overthrow of the established social order by force and violence. In countries lacking a deeply seated democratic tradition, how could Socialists ever expect to come to power short of "force and violence"? Even so, by a curious paradox, they borrowed most of their violent rhetoric from the anarchists, who are less inclined to the actual use of force and violence, their words to the contrary, than any "leftist" group. The importation of this inflammatory rhetoric to the America of the post-Civil War period was grotesquely inept and, to a degree, is still responsible for the traditional antipathy to the words "force and violence."

But there is more to these words than their history implies. Suppose two factions are at war; the Blacks and the Blues. Suppose, also, that the Blacks hold possession of a strategically well-located fortress, stocked with ammunition, which commands the entire terrain over which the two factions have gone to war. A prior rule makes it illegal for any ideological contender to ad-

[5] See *Free Speech and Its Relation to Self-Government* by Alexander Meiklejohn, 1948, p. 52.

vocate "assault"; both the act and its advocacy are banned. The effect of this seemingly impartial rule, under these circumstances, is to leave the Blacks in possession of the fortress from which they cannot be dislodged. The Blacks do not favor the rule because they abhor force and violence in the abstract. If the Blues held the fortress, the Blacks would be advocates of force and violence. What the phrase "to advocate the overthrow by force and violence" means, in actual social practice, is that any advocacy of social change, carried beyond a certain point, is dangerous. But the real difficulty is that any "urging," in the face of adamant opposition, will tend to become violent and the violence will then be related back to the advocacy.

Almost any strike will illustrate the social meaning of force and violence. A picket line, to be effective, must interfere with production or sales or both. The irate employer then sends for the "metropolitan detail" or "red squad." The moment the police appear on the scene, the possibility of force and violence exists. From this point on, it is usually idle to attempt to fix responsibility for what happens or to name the parties who "cause" the violence. The possibility of violence is inherent in the situation. In most strikes, labor *must* take the offensive, or it appears to do so, even when, as in the case of a lockout, the employer has made the first move. The public cannot "see" a lockout; but it can see men on a picket line. The employer can usually afford to wait out the union; he has possession of the plant; the initiative, in most cases, rests with him. Thus labor will be forced to *push* for a settlement, or to appear to be pushing, and any pushing beyond a certain point is likely to result in force and violence. The relation between the parties to the conflict, not the words they use, creates the danger of violence.

The doctrine of force and violence, in short, is a partisan weapon used in a two-sided conflict in which both sides are attempting to convince the public that the other is using a club. Force and violence, the phrase, is never a cause of conflict; it is a legal cliché which indicates the existence of a conflict. The real violence in the Haymarket affair – and it was this case, more than any other, that fixed the meaning of the phrase – was not

to be traced to the anarchists shouting by the lake front but to the police who, for a decade or more, had been attempting to suppress the right of free speech, and all trade-union activity, in Chicago. Today, in retrospect, we are appalled by the failure of the public, blinded by delusion, to see the real situation in the Haymarket affair. But the disturbing fact is that a majority of the people still reach for a rope when the signal "force and violence" is sounded.

The continuing emotive force of the phrase "force and violence" is closely related to the psychology of the "cinch" question which, since the beginning of time, has been used by conformists to bludgeon nonconformists. A cinch question, of course, is a question which can only be answered in one way by all God-fearing, sober, hard-working, right-thinking people. By its very nature, the cinch question is a weapon which can only be used by conformists, by the spokesmen for a large majority opinion. Those who have watched the behavior of a city council or a state legislature over any period of time know how effective the cinch question can be. The conservative majority, wanting to hold the conformist line, will wait until a suitable opportunity arises and then introduce a resolution reciting that it is the opinion of the council that husbands should not beat wives or condemning the use of force and violence. The effect of the resolution is to whip the opposition into line; either they vote yes or they will be branded as advocates of wife-beating or force-and-violence. Hearst editors have developed this weapon to its ultimate effectiveness. A "cinch" question never poses an issue; it is never intended to raise an issue; its real purpose is to club nonconformists.

3. "*AGENT OF A FOREIGN POWER*"

When a majority sets out to fight a minority as heretics, the minority is, with rare exceptions, promptly branded the "agent of a foreign power." Example: "The Communist Party is not an American political party. It is a Russian party with branches

in other countries which work under direct orders from Moscow; one of its basic principles is the necessity for the violent overthrow of all non-Communist governments." [6] By inference, the Communist Party would be "an American political party," and therefore acceptable, if it were not Russian-controlled. Polemically, this is a superb argument: it is simple; it is massive; it is fear-inspiring; it is dogmatic. This is just the kind of argument to use in fighting a heresy for the heretic is not an honorable opponent; he insists on fighting by his rules and not by the rules of the majority. Since the majority has already made up its mind to crush the heresy, *by any means*, the clever thing to do, of course, is to brand the heretics as "agents of a foreign power," since this puts them, immediately, in the position of being "enemies" in a state of war and, therefore, opponents to be destroyed, if need be, by warlike methods.

The charge against the Communist Party may be true but it has nothing to do with its members' indictment as agents of a foreign power. For this is a cliché of *all* heresy persecutions. Every heretic is guilty of two crimes; these crimes, indeed, are what make him a heretic. In the first place, he is a malicious ingrate, a fifth columnist, who seeks to disturb the freedom and order of the society which gives him freedom and security; and in the second place he is always "an agent of a foreign power." Even the witch was the loyal agent of the Prince of Darkness. Macaulay, who had a most remarkable insight into the inquisitorial mind, outlined the "foreign-agent" syllogism in this manner:

> A Papist believes himself bound to obey the Pope.
> The Pope has issued a bull deposing Queen Elizabeth.
> Therefore every Papist will treat her grace as an usurper.
> Therefore every Papist is a traitor.
> Therefore, every Papist ought to be hanged, drawn, and quartered.

To this logic, as he added, "we owe some of the most hateful laws that ever disgraced our history."

[6] *The Social Studies*, May 1949, p. 225.

The answer to this logic-of-delusion, as Macaulay pointed out, "lies on the surface" of the proposition itself. For as he said:

> The Church of Rome may have commanded these men to treat the Queen as a usurper. But she has commanded them to do many things which they have never done. She enjoins her priests to observe strict purity. You are always taunting them with their licentiousness. She commands all her followers to fast often, to be charitable to the poor, to take no interest for money, to fight no duels, to see no plays. Do they obey these injunctions? Do we not know that what is remote and indefinite affects men far less than what is near and certain? Does the expectation of being restored to the country of his fathers make him [the Jew] insensible to the fluctuations of the stock-exchange?

The fallacy here is that of confounding prophecy with precept. Besides there is a still more searching answer to the "foreign agent" bombast:

> Nothing is so offensive to a man who knows anything of history or of human nature as to hear those who exercise the powers of government accuse any sect of foreign attachment. If there be a proposition universally true in politics it is this, that foreign attachments are the fruit of domestic misrule. It has always been the trick of bigots to make their subjects miserable at home, and then to complain that they look for relief abroad; to divide society, and to wonder that it is not united; to govern as if a section of the state were the whole, and to censure the other sections of the state for their want of patriotic spirit. . . . There is no feeling which more certainly develops itself in the minds of men living under tolerably good government than the feeling of patriotism. . . . To make it ground of accusation against a class of men, that they are not patriotic, is the most vulgar legerdemain of sophistry. It is the logic which the wolf employs against the lamb. It is to accuse the mouth of poisoning the source.
>
> The statesman who treats them [the Jews] as aliens, and then abuses them for not entertaining the feelings of natives,

is as unreasonable as the tyrants who punished their fathers for not making bricks without straw.

Rulers must not be suffered thus to absolve themselves of their solemn responsibility. It does not lie in their mouths to say that a sect is not patriotic. It is their duty to make it patriotic.

XVI

The New Inquisition

An urban, sophisticated people, we do not believe in witches: nor do we sanction witch hunts. Our loyalty oaths, un-American investigations, and civil service purges have no relation, of course, to the persecutions of yesteryear. The parallel is ridiculed because the precedents seem utterly remote: the penal laws against witchcraft were swept away in 1763. For more than a century, now, it has been the fashion to regard the witchcraft delusion as being no longer quite comprehensible, despite the fact that Hitler cremated more "witches" in a week than were burned at the stake in a century. "So thoroughly has the ancient specter been exorcised," writes Christina Hole, "that the majority tend to regard the whole tradition as little more than proof of our ancestors' credulity." [1]

The belief that the witchcraft delusion has been overcome arises from a failure to compare modern witchcraft and heresy prosecutions with those of the Inquisition. Fashions in heresy change but the methods of prosecuting heresy cannot change. Once any government attempts to punish "crimes of the intellect," it is driven to adopt certain techniques and procedures which were standardized centuries ago. That a New Inquisition is now upon us can best be established by comparing the methods currently used to banish heretics by bell, book, and candle with those inspired by Innocent the Third's enthusiasm for liquidating heretics. To establish the similarity in method is not to indulge in a purely academic exercise. The horror of all inquisitions, ancient and modern, consists primarily in the methods used. The inquisitorial

[1] See *Witchcraft in England*, 1947, p. 6; also, *The Devil in Massachusetts* by Marion L. Starkey, 1949, p. 282.

process is an unmitigated evil in itself: it can never be used to achieve good ends for its use will defeat the finest purpose. Just what, then, are the basic characteristics of this process?

1. COURTS OF NO ESCAPE

Inquisitions date from the setting up of special and centralized tribunals to deal with heresy. Every inquisition implies the existence of a Star Chamber, an Un-American Committee, or some special centralized tribunal before which heretics can be haled and questioned. There must be a centralized tribunal for the simple reason that it would never do to have two or more inquisitions, of equal authority, operating at the same time. The function of the tribunal is to organize total conformity of belief by creating a morbid fear of the consequences of nonconformity. This can only be done by a centralized agency with the power to make authoritative pronouncements on the subject of heresy and to consolidate, in one agency, the power of denunciation.

G. G. Coulton, for example, dates the inception of the Inquisition from the setting up of a special and centralized tribunal to investigate heretics.[2] There had been earlier inquisitions but it was not until a special tribunal was created that the real terror began. Heretics could be lightly admonished as long as the authorities felt secure in the possession of their corrupt privileges and powers; but as the volume of disaffection mounted a sharper weapon had to be forged, a weapon especially designed to cut down heretics. The creation of special antiheresy tribunals, therefore, is always an indication that the fight against heresy has entered a decisive phase. Once established, the tribunals remain in existence.

A heresy tribunal must be specialized in function, that is, it must deal exclusively with heresy. For one thing, the work of such a tribunal cannot be fettered in any manner; it must have the widest and most unrestricted freedom of action. It must be invested, for example, with the unusual power of defining the crime

[2] *The Inquisition,* 1929, p. 23.

it was created to punish and, also, of making its own rules. The tribunal must exist "outside" the common or customary law for the reason that accepted legal procedures and rules of evidence must be set aside. The accused, by way of illustration, must be saddled with a presumption of guilt since neither thoughts nor attitudes can be satisfactorily appraised unless the accused can be made to talk.

The creation of tribunals with these unique powers is invariably justified in terms of the existence of some extraordinary political emergency. "He has suspended the laws of the country," wrote Hazlitt of Lord Castlereagh, "to save us from anarchy! We deny the danger and deprecate the remedy. If ministers could afford to fan the flames of insurrection, to alarm the country into a surrender of its liberties, we contend that a danger that could be thus tampered with, thus made a convenient pretense for seizing a power beyond the law to put it down, might have been put down without a power beyond the law."

In heresy prosecutions there can be no acquittals. One or more acquittals would destroy the atmosphere of fear and terror so indispensable to the success of any well-considered thought-control program. The functions of judge, jury, and prosecutor must, therefore, be combined so that the inquisitors may control the entire proceeding, including the verdict. Remy, the famous Inquisitor of Lorraine, who consigned 800 witches to the stake, made the perfect comment on inquisitorial justice when he observed: "So sure is my justice that sixteen witches arrested the other day never hesitated but strangled themselves incontinently."

The people must be made to fear the tribunal and its processes; the very thought of the tribunal must arouse foreboding and apprehension. If the tribunal is to be feared, it must be fearsome: hence its reputation becomes more important than its accomplishments. To function as the silent censor of the people's thoughts, the tribunal must acquire the reputation of being a silent, ruthless, and incredibly efficient machine from which there is no escape. The victim, in short, must be made to feel his utter helplessness before a power which seems as strong and inexorable as

fate. This impression can best be created by special tribunals which deal exclusively with heresy and heretics. If heresy prosecutions are to succeed, the people must be made to take heresy seriously; that is, they must be made to fear the consequences of being identified with heresies or heretics. Special heresy tribunals stimulate and organize this fear.

A tribunal that is concerned only with heresy is able to keep meticulous and detailed records. Every fragment of evidence is carefully husbanded and the most casual gossip is jotted down in the heretic's record. By the use of modern indexing, filing and coding machines, we have perfected the techniques of political surveillance. In "the dossier state" in which we live, a man can no more escape from his dossier than he can elude his shadow; whether he journeys to Kansas or Kenya, the dossier is certain to pursue him. Just as every tribunal of the Inquisition had a notary with a large staff of clerks and scriveners, forever poring over their bloodstained documents, jotting down the tips and reports of informers, recording fragments of conversation, preserving intimacies acquired in the confessional, so in the great central filing room of the FBI, with its lofty domed ceiling, hundreds of clerks scurry about, taking dossiers here and there, as the heresy-proof machines sort and code, file and index, mechanically "fingering" victims from one end of the continent to the other. The more elaborate and efficient this surveillance machine becomes, the more fear it inspires and the more insecurity it breeds. Eventually it becomes the fountainhead of the very fear and insecurity which it was originally intended to allay.

The House Committee on Un-American Activities is the special centralized tribunal which has organized the New Inquisition. It is a permanent antiheresy tribunal which determines guilt and metes out punishment. The committee, it should be noted, did not come into being overnight; it was only set up, in fact, after other and more conventional methods of dealing with heresy had been tried and abandoned. For example, an attempt had been made in the early 1920's to deal with social, economic, and political heresies in the regular criminal courts as specially defined crimes; witness the various "criminal syndicalism" statutes of that period.

But criminal courts, like the secular or "earthly" tribunals of the Middle Ages, deal with overt acts, not with thoughts and feelings; and, besides, regular criminal prosecutions are slow, cumbersome, and inefficient.

Special heresy tribunals require a special, nonjudicial personnel. The successful inquisitor must be "ardent with the fiery and formidable zeal of fanaticism"; he cannot be judicial in tone or manner. He, too, must be fearsome. The great inquisitors of another age, Bernard Gui, Nicholas Eymeric, and the incredibly diligent James Sprenger, were men of this stamp. They thought of themselves, as A. S. Turberville has pointed out, "as servants of God surrounded by that aureole of sanctity which gave their court the name and reputation of the Holy Office." [3] Their modern counterparts obviously think of themselves in similar terms. Indeed such men as Dies, Thomas, Canwell, Broyles, Tenney, and the others, were selected as chairmen of our various un-American heresy tribunals precisely because they are self-righteous political zealots with a passion for conformity. Half-hearted inquisitors are rare and when one does appear, as in the case of ex-Congressman Jerry Voorhis, he soon sickens of the task and resigns in disgust.

During his term of office, the medieval inquisitor enjoyed what was known as "plenary indulgence," that is, he could not be accused of heresy. The reason is clear: if inquisitors could be charged with heresy, there would be no one to investigate the investigators. Faced with the same problem, we follow a similar rule. For example, many of our inquisitors, including Rankin, Dies, and Thomas, have been guilty of numberless heresies against the democratic faith; yet no one could charge them with heresy or impeach their authority so long as they served as inquisitors. The medieval inquisitor possessed another special power which we, too, have conferred upon our modern inquisitors — namely, the power to grant indulgences. The indulgences granted Elizabeth Bentley and Whittaker Chambers — who readily confessed their guilt as former heretics and violators of the law — are merely two of many similar illustrations that might be cited. Once a

[3] *Medieval Heresy and the Inquisition*, 1921.

heretic becomes a "friendly" witness or turns informer, he thereafter enjoys a complete immunity for past crimes, however grave, nor can he be charged with heresy. The very existence of this power places a high premium on perjury and endangers the liberties of every law-abiding citizen.

Although there are striking similarities between modern inquisitorial tribunals and those of the Middle Ages, there is one important difference. Heresy tribunals were then financed from the fines and fees assessed against heretics and from the proceeds received from the sale of confiscated properties. For example, as early as 1375 one finds Eymeric complaining bitterly that there were no more "rich heretics" left to persecute. The Nazis, of course, followed the medieval practice of confiscating the property of the heretic and the same practice apparently prevails in the Soviet Union and its satellite provinces; but we, as though to emphasize our freedom from such undemocratic phobias, insist that the general taxpayer foot the bill.

2. *THE NATURE OF THE CRIME*

Saint Thomas Aquinas insisted that a person in ignorance of the truth could not be adjudged a heretic without proof of previous instruction in the faith. When Prynne, Bastwick, and Burton were convicted of heresy on June 14, 1637, the Star Chamber ordered that they should be branded on their foreheads with the initials "S. L." — meaning Seditious Libeler — and that their ears should be cut off. But at least they had been warned of the consequences of error and, as the record shows, they had been exposed to the truth. Nowadays, however, one can be branded with the letter "S" for Subversive without any showing that one has first been instructed in the truth about "free enterprise." In point of literal fact, heresy is actually a more arbitrary conception with us than it was in the Middle Ages.

Generally speaking, however, we have adopted the medieval definition of heresy. A medieval heretic was a person who, on any grounds, had separated himself from the traditional faith. Separa-

tion did not have this effect in theory but in practice it did since every schism argued an error in belief. The basis of heresy has always consisted in *a challenge to the existing order.*[4] Heresy is the disposition to be critical of the existing social order in time of storm. Hence no charge is easier to bring and none so difficult to disprove. The vagueness of the offense and the impossibility of acquittal have always made heresy the perfect political weapon to use in maintaining a social order in which many people have ceased to believe. "When employed politically," wrote Henry Charles Lea, "the accused had the naked alternative of submission or of armed resistance." [5] "It created," writes Coulton, "a veritable scramble for heresy, and even a systematic manufacture of heresy, for, if your enemy was a heretic, then you were sure of your cause against him." [6]

Inherently vague, the definition of heresy was greatly expanded in the Middle Ages by the practice of thinking of heresy as *a catalogue* of beliefs, activities, and affiliations. Thus new crimes could be created, so to speak, by simply adding new items to the catalogue. With us, too, heresy is defined catalogue-fashion. The catalogue, of course, is never completed; the list of errors is never final. There is real logic in this method, too, for heresy is basically a crime of the intellect, a matter of the state of a man's mind and disposition, and thus it cannot be defined categorically. Although heresy is sometimes revealed in an act, it more often consists in a secret intention, a covert and latent rebelliousness. Thus, as Turberville points out, the inquisitor "*must be a searcher of the heart* and *a prober into the obscure workings of the mind.*" (Emphasis added.)

The Devil conceals heresy, of course, in strange places so that its detection requires skill and training and rare imagination. Inquisitors pride themselves on their ability to detect heresy in the most unlikely guises and in the strangest forms. Heresy tribunals soon accumulate a body of dogma of such vast proportions that only the professional inquisitor is competent to identify heretics

[4] See Turberville, *op. cit.*, p. 13.
[5] *A History of the Inquisition of the Middle Ages,* Vol. III, 1921, p. 191.
[6] *Op. cit.*, p. 93.

and to ferret out heresies. For heresy may be revealed in the lifting of an eyebrow (so Mr. Adolphe Menjou assured the House Committee on Un-American Activities), the slightest ideological deviation or emphasis, a barely perceptible nuance of meaning, the faintest equivocation. Each inquisitor, of course, has a patent on his favorite divining methods and none has ever been known to testify without a fee. Indeed the higher the fee, the keener the discernment of the expert, the more subtle his inferences, the more audacious his conclusions.

Heresy tribunals rarely exonerate a person charged with heresy. The intangible nature of the offense makes it almost impossible for a person to be "cleared" of the charge. Since nearly everyone harbors a tendency to be critical of the existing social order, nearly everyone is guilty of heresy to some degree. Besides, just how is a person to refute a charge based on "spectral" evidence? The logic of the inquisitorial process, as Marion Starkey has pointed out, is "a stern mad logic, a closed circle," a logic which admits of only one reality: the affliction of witchcraft; the patent unrest which the heretic is supposed to have caused. A person charged with murder can be exonerated: either he committed the crime or he didn't. But who knows whether a person actually harbors a disposition to be critical of the existing social order? And, if you are charged with such an offense, just how do you prove that you are innocent? How do you prove, in other words, that you are not a witch?

Special heresy tribunals are more concerned with heretics than with heresies and, curiously enough, they are more interested in the person suspected of heresy than in the self-acknowledged heretic. In fact the logic of heresy makes "suspicion of heresy" a crime. The extension is entirely logical since any connection with heresy implies contamination. If ideas as such cause unrest, then any exposure to certain ideas is likely to lead to further unrest. To the inquisitorial mind, a person is an object of suspicion either because the suspicion is well founded (although the proof may be lacking) or because the suspect has, in fact, been guilty of some indiscreet behavior or careless remark. In either case, it seems entirely logical to afford the suspect an opportunity

to abjure the heresy. Of course the suspect is tainted by the mere act of abjuration; but this is no concern of the inquisitor. Thereafter it can be said of the suspect, "He denied it but . . ." The denial can also be used to convict the suspect of perjury if, at some later date, two or more professional perjurers can be induced to swear that he was in fact a heretic. If the suspect abjures the heresy, he places himself under a sentence of indefinite ideological probation; if he fails to make the abjuration, he stands convicted by implication. Since Sir Thomas More went to the block, suspected heretics have been trying, without success, to find some escape from this dilemma.

3. TO GUARD THE FAITH

The function of the inquisitor as missionary rather than as judge provides an important key to an understanding of the inquisitorial process. His primary function is not so much to pronounce judgment as to guard the faith. The heretic must be forced to renounce his heresy, that is, to confess his error. The inquisitor is, therefore, really a confessor, a spiritual guide. "He was more than a judge," wrote Lea, "he was a father-confessor striving for the salvation of the wretched souls perversely bent on perdition." [7] The real purpose in the questioning of heretics is to bring the accused to a right state of mind; to secure a public confession of error and recantation. Hence it is always preferable, as Turberville observed, "that the lost sheep should voluntarily return, or allow itself quietly to be led back into the fold, than that it should have to be forcibly driven in."

Every opportunity and encouragement is given the heretic to recant. If he will only abjure heresy and denounce his former colleagues, he can expect to receive kindly treatment. The tone and manner of the interrogation is promptly modified upon the first showing on the part of the heretic of a desire to recant. To wring a confession from a heretic implies a victory for the faith; but to force him to recant is a personal triumph for the inquisitor.

[7] *Op. cit.*, Vol. I, p. 61.

Once a witness has recanted, he is then treated with much the same tenderness and deference shown the sinner who has finally seen the light.

The inquisitorial process must be easily set in motion in order to encourage denunciation. Under Roman Law, a prosecution could only be instituted by the accusation or denunciation of an official; but an *inquisitio* could be started simply by the filing of a *diffamatio* or general report of the inhabitants of a village or parish. The *diffamatio* was based on a form of organized gossip or rumor. "Synodal witnesses," or, as we would say, "patriotic citizens," vocalized local rumor in preparing the report. In our time, these synodal witnesses are the chairmen of the various "Americanism" committees, the busybody spokesmen for the patriotic societies, and the zealots who make a business of "researching Communism." The ease with which the charge of heresy can be brought explains the mania of denunciation which accompanies an inquisition. Denunciation is a common feature of all inquisitions and often reaches, as it did in Nazi Germany, wholly unmanageable proportions.[8]

In addition to the *diffamatio*, the Inquisition developed two ingenious techniques to flush out heretics, both of which are widely used today. The first was the *inquisitio generalis*. Here the inquisitor or his vicar would suddenly descend on a village and, in a dramatic speech, demand that the villagers deliver up the heretics known to be in their midst. A period of grace, usually a fortnight, was ordinarily stipulated. Should the villagers remain silent, an army of spies would be assigned to flush out the heretics and a fine would be assessed against the village. In our time, the inquisitor (chairman) or his vicar (field agent) simply denounces a certain organization as Communist-dominated. The officials then know that they must either launch a purge or face public investigation.

Once the heretics were flushed out, the procedure could take the form of the *inquisitio specialis* or the *purgatio canonica* (dating from 803 A.D.). The latter was a plea of innocence supported by the oaths of friends and neighbors who acted as *compurga-*

[8] See Bramstedt, *op. cit.*, p. 181.

tores, bearing witness to the good character if not to the innocence of the accused. The plea survives in the form of the letters and affidavits presented to the various loyalty review boards on behalf of those regarded as "bad loyalty risks." In the Middle Ages, as today, it was quickly discovered that the procedure is inherently defective. An inquisition cannot proceed upon the basis of charges and denials; the accused must be examined, his conscience must be probed. Hence the *inquisitio specialis,* or preliminary examination, which precedes the formal public hearing.

In the public interrogation, the heretic is always at a marked disadvantage. Even when the heretic is stubborn and clever, the contest takes place under grossly unequal conditions. For one thing, the inquisitor is at the same time prosecutor, judge, and jury. His rulings cannot be appealed; his denunciations must be endured in silence. The accused, of course, is presumed to be guilty since the mere fact of defamation carries the taint of heresy. But the major difficulty for the accused is that of proving a negative issue. Historically this difficulty has always been so formidable that many heresy suspects have pleaded guilty rather than run the risk of involving themselves in additional heresies in the course of their examination or, even worse, inadvertently incriminating other persons.

In this most unfair of all intellectual duels, it is considered entirely proper for the inquisitor to disconcert the heretic by means of disingenuous subtleties and subterfuges. It is presumed, of course, that the heretic will lie since he is coached by the Devil and this presumption is used to justify any methods that the inquisitor cares to employ. Heresy, moreover, is a vastly complicated subject; it is not easy for the accused to distinguish between subversive and nonsubversive doctrines. The inquisitor always has the advantage of having access to great storehouses of heretic writings which have been carefully indexed and arranged the better to trap the unwary suspect. "It was held to be legitimate," writes Turberville, "to surprise and confuse the defendant by a multiplicity of questions, which would involve him in contradictions." Small wonder, then, that it should have been said

that the Inquisitors could have shaken the orthodoxy of Saint Peter or Saint Paul.

Nor is the heretic ever given sufficient information upon which to build a defense. A person haled before the Inquisition, like a person haled before a loyalty review board, was merely given a résumé of the charges, never the charges themselves. He was told that he was suspected of heresy but he was never allowed to read the evidence or to see the complaint or to face his accuser. It is a basic characteristic of the inquisitorial process that the names of informers are never revealed. Where the informer is protected as a matter of policy, almost any person will serve as an informer for the reputation of the informer cannot be made an issue. Similarly the rules barring certain types of witnesses are never followed by inquisitorial tribunals. The inquisitors accepted the testimony of persons who would have been instantly barred from testifying in the secular courts. Convicted heretics were permited to testify against suspected heretics despite the fact that heretics were presumed to be incapable of telling the truth. In the same manner, we readily accept the testimony of ex-Communists against those charged with being Communists while purporting to believe that all Communists are liars. The Inquisition encouraged husbands to testify against wives and vice versa (the charge of witchcraft being widely used as an inexpensive way to secure a divorce). Children were encouraged to testify against their parents, servants against their masters, and evidence obtained in the confessional was accepted without the slightest hesitancy — that is, where the evidence was offered *against* the accused.

One of the dramatic points in the Canwell Committee hearings was marked by the testimony of a father against his son, and before the House Committee, of a sister denouncing her brothers. To date, however, we have not had a case like that of the famous Infant of Montségur who, six years of age, was permitted to denounce his parents and a large number of relatives, all adults. Criminals, harlots, thrice-confessed perjurers, spies, thieves, and pimps are welcome witnesses before inquisitorial tribunals. A glance at the backgrounds of the "friendly" witnesses who have

appeared before the various un-American investigations is sufficient to demonstrate that the popular loathing of the informer is based on a sound inference as to his character.

Since only a witch can catch a witch, it follows that inquisitions must largely rely upon the testimony of ex-witches. The matter of proof, moreover, is greatly simplified by the practice of using the ex-witch as a witness in many prosecutions. The testimony of the former witch thus acquires, by constant rehearsal and repetition, a fine gloss and finish and can be repeated easily, glibly, and with dramatic effect. Every inquisition turns up loathsome professional perjurers, such as Titus Oates and the infamous Castles and Oliver. In our time, certain individuals have made a nice living for some years by testifying as informers in various prosecutions; one, it is estimated, has testified in some twenty-five or thirty prosecutions. If the witness testifies on "Communism," he can be paid special fees as an expert. One witness in the Bridges case, for example, was paid $100 a week, over a period of many months, on the flimsy pretense that he was being retained as an expert. This particular witness, it might be added, was originally most reluctant to testify for the government.

Ordinarily a reputation for truth, honor, and integrity would protect an innocent person against the slanders of disreputable informers and professional perjurers; but once an inquisition is organized, it is presumed that the more reputable a person is the less he can be expected to know about witchcraft. The matter of identifying witches then becomes the exclusive privilege and profitable profession of the ex-witch. The more disreputable the ex-witch — the more she revels in her former high crimes and treasons — the more credible and impressive she becomes as a witness. The inference, of course, is that such a truly spectacular moral monster must have acquired deep insights into the nature of witchcraft. With these witnesses, therefore, a bad reputation for truth, honor, and integrity adds weight and impressiveness to their testimony. In time of storm, the word of even the craziest ex-witch will often be given more credence than the word of a person with a lifelong reputation for honesty and integrity and an unblemished record as a good citizen. By the nature of the

situation, a belief in heresy carries with it a will-to-believe in the mysterious power, the unbounded evil, the treachery and talent for deceit of heretics. By telling a story that everyone wants to believe, and which echoes the official propaganda of the period, the ex-witch seems to speak as an oracle. Indeed her tale can hardly be questioned without calling in question the official propaganda.

"Yet another serious disability," writes Turberville of the plight of the heretic, "was that the accused was not allowed the assistance of counsel." Innocent III, like Martin Dies, expressly forbade the appearance of advocates. The mischievous Eymeric, on the other hand, often encouraged the appearance of counsel since, by appearing for a heretic, the attorney automatically convicted himself of "constructive heresy" or *fautorship.* The role of the advocate in heresy prosecutions is dangerous and there is little inducement to compensate for the risk. And if the theory of the inquisitorial process is accepted, there is really no occasion for the appearance of counsel. "If the inquisitor be considered as a confessor," writes Turberville, "the accused as a penitent paternally exhorted, lovingly urged to reconciliation, pardon being assured for the truly repentant, what possible need can there be for an advocate? The tribunal gave every facility for escape of the prisoner from all possible unhappy consequences of his defamation, *down one avenue* — confession, penance, reinstatement."

In preparing a defense, the heretic has only a limited choice of pleas. "Ignorance," of course, is no defense. A special plea was often used in the Middle Ages which is still quite popular, namely, the plea of *lapsus linguae* — that is, that the heresy was spoken thoughtlessly, on the spur of the moment or in idle jest. Still another standard plea is "great perturbation of mind" — that is, that the heresy was spoken or committed under circumstances of unusual stress. However, the madness of love (Judith Coplon) is never accepted as a defense unless the heretic has also recanted and come forth with denunciations (Elizabeth Bentley). Indeed about the only defense to a charge of heresy consists in being able to point out that your accuser, if you can discover his name, was motivated by malice.

When all else failed, the inquisitors of another age could use physical torture to secure confessions. With stunning verbal ingenuity, the doctrine was evolved that torture could not be repeated but that it might be continued. Thus in the famous case of the Forty Witches of Arras, the inquisitors were allowed to torture the accused forty times since each successive application was regarded as merely a continuance of the first. Being a humane people, we do not tolerate the use of direct physical torture (except in the form of police brutality and the third degree). Torture was used, however, in Nazi Germany on a scale, and with an ingenuity, that would stagger the good Bishop of Bamberg, who boasted of having sent 600 witches to the stake in a year, or his still more distinguished colleague, the Bishop of Würzburg, who managed to achieve the magnificent record of 900 executions in a comparable period. Psychological torture and the agony of insecurity generally suffice where direct physical torture runs counter to the mores.

4. THE YELLOW CROSS

Acquittals being unknown, the original inquisitors had to invent an ingenious system of penalties. Since the fiction prevailed that the Inquisition was concerned with "errors" rather than crimes — indeed that the tribunals were public confessionals rather than courts — most of the penalties imposed were expatiatory in character. Convicted heretics were ordered to go on pilgrimages, to perform missions, to do penance. The penalties, also, were often pecuniary. A favorite, perhaps the most common, form of punishment consisted in requiring the heretic to wear some mark of heresy on his clothing — say, two crosses of yellow felt, a red tongue, a hammer, or the figure of a demon.

Although we do not send heretics on pilgrimages or impose fines or confiscate their homes, we do indulge in the use of the symbolic badge designed to warn the innocent of the danger of contamination by exposure. In a figurative sense, heretics go forth from our tribunals branded as social pariahs, mugged, finger-

printed, indexed, cross-indexed, smeared, and blacklisted. In the Middle Ages, the heretic's symbol had to be worn continuously indoors and out and for an indefinite period. As long as it was worn, it was difficult for the penitent to find employment. And so, of course, it is with us. We deny heretics important civil rights and privileges while insisting that they have never been accused of "crime." Branded with the yellow cross of subversion, a heretic cannot work for the government; hold public office; teach in the public schools; serve as a grand juror; find employment in certain branches of industry; or receive instruction in certain fields of science, and so on.

In the Middle Ages, heretics were classed as contumacious, impenitent, and relapsed. The relapsed heretic was one who, having once done penance, resumed his former sinful ways. If Louis Budenz were once again to espouse Communism, we would regard him as a relapsed heretic. The penalty for the relapsed heretic was death. In the curious nomenclature of the Inquisition, the word "abandon" had a terrible connotation. The inquisitors denied that they had ever sentenced a heretic to death and they were technically correct for the death sentence was pronounced in this manner: "We abandon thee to the secular arm, beseeching it affectionately, as canon law requires, that the sentence of the Court judges may spare you death or mutilation." In a similar sophistical vein, modern inquisitors contend that it is quite all right to strip citizens of basic civil rights and to brand them as traitorous and subversive, all without a hearing or due process, since they are not being accused of the commission of a "crime"!

In all inquisitions, the fiction prevails that the purpose of the procedure is not to punish heretics but to root out heresies. The only difficulty with this fiction, however, is that it is quite impossible to root out heresies without punishing heretics. Nevertheless it is true that many inquisitors labored long and hard to save as many heretics as possible from the stake. During seventeen years as an inquisitor, Bernard Gui only found it necessary to "abandon" forty-five heretics to the secular authorities. And, in our time, many inquisitors are more concerned with the prevalence of heresies than with the burning of witches. "The Inquisi-

tion," writes Turberville, "did not aim at making great holocausts of victims; it desired only to make a few examples. Except in Languedoc, where the heretics were a majority and powerful, a few examples always sufficed. The Inquisition sought not vengeance, which was a synonym for failure, but reconciliation, which meant success."

However the inquisitors never hesitated to impose the death penalty on the obdurate heretic and, again, no exception can be taken to their logic. For, if you believe in heresy, just what remedy can be suggested for the confirmed heretic? To those who believe in heresy, a confirmed heretic is more dangerous than a mad dog or a carrier of bubonic plague. Should he be banished from the realm? Banishment will only spread the infection. Should he be imprisoned? But to what end? The man is irredeemably damned. "It is a strange obtuseness," writes Turberville, "that does not see that the whole attitude of the Inquisition to the heretic points logically, and indeed inevitably, to death as the fate of the obdurate."

Prior to the rise of Fascism in Italy and Germany, the Western World had dismissed the Inquisition as part of the nightmare of history people were trying to forget. But with the current prevalence of witches, we are once again making the fatal mistake of punishing, as crimes, errors *in intellectu.* In our innocent but unpardonable neglect of history, we still cannot understand how it was possible for decent, warmhearted, law-abiding Germans to acquiesce in the horrors of the Nazi concentration camps. But, as Turberville has pointed out, "once granted the point of view that heresy is a more heinous offense than coining or than treason and the penalty of death for heresy appears not shocking and horrible, but something eminently just and proper." This concession, which seems hard for us to understand, is based upon a form of paranoid delusion which it is one of the major responsibilities of this age to overcome.

5. THE CONFESSIONAL DELUSION

The belief in witches rests on what is, perhaps, the oldest fallacy of proof. Ordinarily we regard a confession as the most convincing evidence of guilt. It seems conclusive, irrefrangible, completely "real." The penalty for witchcraft was, of course, about the most dreadful that can be imagined. Yet thousands of human beings freely "confessed" that they were witches knowing that the penalty was death at the stake. What, then, could be more convincing proof of the reality of witchcraft than this steady flow of confessions? Indeed the evidence seemed to be overwhelming. "Statements of disinterested eye-witnesses," wrote Henry Charles Lea, "complaints of sufferers, confessions of the guilty, even after condemnation, and at the stake, when there was no hope save of pardon of their act by God, are innumerable, and so detailed and connected together that the most fertile imagination would seem inadequate of their invention." [9]

The more witches carted off to the stake, the more terrified the community, the more numerous the denunciations, the more perfect the delusion of guilt. "In such an atmosphere of uncertainty," writes Christina Hole, "suspicion naturally flourished, and any chance coincidence or untoward happening was enough to set men looking askance at some hapless individual. . . . A witch could work so much evil that it was easy to believe every misfortune was the result of witchcraft. It was often simpler to think it so than to admit it might have been caused by the carelessness or stupidity of the sufferer." [10] When a witch could stand up in a courtroom crowded with people she had known all her life, and confess the most monstrous crimes, without apparent coercion or duress and well knowing that a confession would send her to the stake, what stronger proof could there be that witchcraft was a terrible reality?

And witches confessed every imaginable crime, without coercion, with the greatest ardor. Most of them doubtless confessed

[9] *Op. cit.*, Vol. III, p. 544.
[10] *Op. cit.*, p. 61.

in the hope of receiving mercy or of buying their freedom by denouncing some more important person as a witch; but it is also clear that many witches confessed because they suffered from the same delusions that had made sadists of their persecutors. "When the peasant wise-women came to be examined as to their dealings with Satan," writes Lea, "they could hardly help . . . from satisfying their examiners with accounts of their nocturnal flights. Between judge and victim it was easy to build up a coherent story, combining the ancient popular belief with the heretical conventicles. . . . The consentaneity at the time was an irrefragable proof of truth." [11] The terror of the charge itself was sufficient, in most cases, to frighten confessions from the accused. But it was always the combination of some real act with the social hallucination that witches existed that, when related to the confession of the witch, created the perfect illusion of guilt.

Why do so many persons charged with heresy confess their guilt? The theories are legion but there is little scientific evidence to support any of them. Fear and a sense of guilt unrelated to the particular act of witchcraft are, perhaps, the basic reasons. Often, though, the suspect half wishes that he were a witch or wizard. The confession doubtless voices this identification. Or, again, the witch may be genuinely deluded; she may really believe that she did what she is charged with doing. By confessing to difficult and daring acts, the witch may enjoy a vicarious sense of power and take revenge upon those by whom she has been rejected. Whatever the reason, witches have "confessed" every imaginable crime and neither fear nor torture is an entirely satisfactory explanation for these confessions. Surveying the century and a half of delirium and delusion during which 30,000 witches were sent to the stake, Lea was moved to ask: "Could any Manichaean offer more practical evidence that Satan was the Lord of the visible universe?" It is still a good question.

The delusion of guilt, which false confessions create, is always based on a reality, although the confession distorts the meaning of this reality. The point can be illustrated by an incident related by Lea. In the year 1586 the spring was tardy in the Rhineland

[11] *Op. cit.*, Vol. III, p. 500.

and the cold of winter was prolonged until June. This could only be the result, of course, of either sorcery or witchcraft and so the Archbishop of Treves ordered 118 women and two men, from all of whom confessions had been obtained, to be burned at the stake. "It was well that he acted thus promptly," wrote Lea, "for on their way to the place of execution they [the witches and the two wizards] stated that had they been allowed three days more they would have brought cold so intense that no green thing could have survived, and all the fields and vineyards would have been cursed by barrenness." Here, then, is the syllogism on which the delusion rests: a late freeze had undeniably taken place; this unusual freeze must have a cause; witches had vast powers and could doubtless delay the coming of spring; therefore, the witches having confessed, the proof of witchcraft was invulnerable.

There is, however, a further element in the confessional delusion that needs to be emphasized. At the outset, the Church condemned the belief in witchcraft as a heresy; but as the social chaos of the times mounted the witchcraft delusion seemed to square with reality. For so much evil, the people reasoned, there must be a cause; and thus, by a roundabout process, the Church found itself in the position of having to accept as real the belief it had originally condemned as a delusion. For unless the evil of the times could be blamed on witches, it might be blamed, in part, on the Church. The moment the Church began to prosecute witches, however, it gave a terrible impetus to the belief in witchcraft. Every prosecution was a public demonstration that the belief was not a delusion. Neurotics then began to imagine that they had actually witnessed scenes in which foul mysteries were demonstrated and, to these, the myths of witchcraft became articles of orthodox belief. Others found a wonderful intoxication in proclaiming their powers as witches and in exploiting, often quite profitably, the popular fear of witches. Throughout this dreadful period, confessions continue to invest the delusion of witchcraft with the appearance of reality. With us, too, there can be no doubt that the various un-American investigations and hearings have spread the fear which they were supposed to arrest.

The confessional delusion was used effectively in Nazi Germany; a "witch," it will be recalled, confessed to having set fire to the Reichstag. The detailed and circumstantially ingenious "confessions" which accompanied the 1937 "purge" in the Soviet Union are also in point. The same element of delusion, however, is clearly present in the "confessions" of some of the witnesses who have appeared in the Un-American hearings and the prosecutions which have arisen out of these hearings. It seems hard to believe, in some cases, that there could be an element of delusion in these confessions. Why should apparently "normal" individuals seek to destroy their reputations in this manner? But, in a season of terror, delusion thrives as an aspect of the "distortion" which seems to pervade every phase of life. In recent trials in Hungary, Rumania, and Bulgaria, and elsewhere, political heretics have "confessed" various crimes with apparent freedom, knowing that the chances of a pardon or commutation were negligible and that their confession would only add to the political confusion of the times. Why, then, have they forfeited a chance to defy their persecutors and to appeal their case to the bar of world opinion? All one can say is that in periods of great social crisis, illusion and reality tend to be transposed. The social chaos interacts upon the personal neurosis and vice versa. In the last analysis, the delusion upon which the belief in witches rests cannot be explained in terms of the fantasies of witches or the terror which the charge of witchcraft inspires; the real delusion is social, it is part of the confusion and distortion that come when men, in fear and desperation, "pluck up mercy by the roots."

XVII

The Boughs and the Storm

HERESY PROSECUTIONS are truly an invention of the Devil for they are based on a cruel transposition of illusion and reality in which angry devotions become locked in mortal combat over doctrinal issues which conceal rather than define the source of conflict. The more violently a heresy is combated, the vaguer become the doctrinal issues which blind both parties to the dispute. Combating heresy is like trying to drive devil grass from a California garden: the more you weed it, the more it grows. Banished in one guise, heresy promptly reappears in a new form. No sooner are heretics defeated in battle than their heresy crops up in the ranks of the victors. It is not by chance that heresy crusades are endlessly protracted and generally inconclusive. Looking back on these long dark nights of delusion and madness, one can see that the doctrinal issue was never the source of the conflict; but, at the time, the parties could see only this issue. That a similar delusion underlies the rebirth of heresy becomes apparent the moment one attempts to pin down and define the modern heresy.

1. "I'VE GOT A LITTLE LIST"

As some day it may happen that a victim must be found,
I've got a little list — I've got a little list
Of society offenders who might well be underground,
And who never would be missed — who never would be missed! . . .
The task of filling up the blanks I'd rather leave to *you*,
But it really doesn't matter whom you put upon the list,
For they'd none of 'em be missed —
They'd none of 'em be missed!

— KO-KO the Lord High Executioner, in *The Mikado*

Just what *is* the heresy which, in this time of storm, we are fighting with purges and persecutions, by total diplomacy and global encirclement? The leaders of the anti-Communist crusade contend, of course, that Communism is the heresy. In order to appreciate that Communism is not the real heresy, however, all one needs to do is to listen attentively to the anti-Communists. In the course of the argument about the loyalty oath at the University of California, which was aimed specifically at Communists, Mr. C. C. Teague, a member of the Board of Regents and one of the most powerful and influential business leaders in the state, addressed an open leter to President Sproul defending the oath. "I have a profound conviction," he wrote, "that freedom in the world is being destroyed by Communism, of which Socialism is the first step. Freedom has been destroyed in England by Socialism, and the United States has traveled a considerable distance along the same road. It has been demonstrated many times that Socialism destroys incentive and reduces production."[1]

For some reason the argument that Communism is the heresy of our time invariably veers off in this direction if it is pursued closely and logically. Indeed the official propaganda of Big Business has now begun to develop the theme that Socialism, not Communism, is the real heresy. Following the election of November 1948, full-page ads sponsored by various business and industrial concerns began to elaborate on the theme that Socialism is a more serious threat to the "free enterprise system" than Communism because, as a heresy, it is more insidious and beguiling. The shift in emphasis, of course, was partly tactical. For one thing, the Communist theme had been overworked (the election returns showed that); besides, how could an administration which had sponsored the loyalty program and proclaimed the Truman Doctrine be accused of harboring Communists in high office? Even reaction's joint chiefs of staff were finally compelled to recognize that it was more plausible to attack "the welfare state" directly than to attempt to pin a Communist label on it.

This new orientation is set forth with admirable bluntness and candor in John T. Flynn's *The Road Ahead*, a condensed ver-

[1] *Los Angeles Times*, March 2, 1950.

sion of which appeared in *Reader's Digest* for February 1950. According to Mr. Flynn, the real heresy is not Communism but "National Planning" or Socialism. True, the Communists are "a traitorous block in our midst" but "if every Communist in America were rounded up and liquidated, the greatest menace to our form of social organization would be still among us." And clearly Mr. Flynn is right. The mass execution of the entire personnel and membership of the Communist Party in the United States would not abate the current agitation against "reds" in the slightest degree. Nor would the enactment and vigorous enforcement of every "anti-Communist" measure proposed during the last quarter century allay the fears upon which this agitation rests.

The reason, of course, is that our reactionaries are the victims of paranoid delusion. In political history, deep fears take the form of a delusion of encirclement in which, as Max Lerner has written, "the threats from within are only threats from the shadows cast by the fears themselves." This delusion, as he points out, "leads logically to witchhunting within a nation, and to militarist and imperialist adventures without. In the measure that the fearful men grow panicky of the liberal state, they call upon it in the name of encirclement to set up a watch and ward over dangerous thoughts. In fact, the very people who most violently protest against a Domesday Book of entries of wealth, income, wages, profits are the people who are most passionately in favor of a Domesday Book of entries of ideas and their professors." [2] These are the people, of course, who have their little lists of society offenders although it really does not matter to them whose names appear upon the list.

Anti-Communism is a typical heresy trap — that is, it is not an argument against heresy but a highly versatile weapon to catch heretics. Note, for example, the ease with which Mr. Flynn is able to manipulate the stereotype of an "accursed group" — the stereotype of the heretic — to suit the changing tactical requirements of reaction. The new accursed group is not the Socialist Party (this would be patently ridiculous). No, the real heretics,

[2] *Safeguarding Civil Liberty Today*, 1945, p. 55.

as one might expect, are "a small group . . . of mysterious Fabians," who, guided by a secret program and strategy, operate clandestinely in the labyrinthine bureaus of Washington. Amazingly enough the "apparatus" through which these conspirators function is Americans for Democratic Action! So obsessed is Flynn with the plottings of the sinister Fabians that he vehemently insists that all the talk about Communism and the Communist Party simply confuses the real issue. And, once again, he is clearly right.

Long before Flynn made this discovery, however, Max Lerner pointed out that the big ideological specter of our time — the specter that haunts the men of power, the specter that is driving us in the direction of a police state — is Socialism. In doctrinal terms, Socialism is no doubt the real heresy. The forces that seek to whiplash the American people into a blind acceptance of the anti-Communist police state, in the guise of fighting the Communist police state, are by their own admissions primarily concerned with the threat of Socialism. But they would oppose any movement that threatened their privileges with the same vigor that they oppose Communism and Socialism. Socialism is only the doctrinal name for a set of ideas; by any other name these ideas would still be heretical. The theological definition of heresy as "the obstinate adherence to opinions arbitrarily chosen in defiance of accepted ecclesiastical teaching and interpretation" is still the best definition. For the real nature of heresy consists in the stubborn will and perverse defiance of the heretic. It is precisely because heresy consists in the defiance of the heretic that no attempt has been made to provide a clear-cut definition of such terms as "disloyalty," "subversive conduct," and "un-American activity." [3]

An illusion widely propagated by professional anti-Communists, that is, by those whose social philosophy consists of an intense opposition to Communism and nothing else, makes it difficult to accept the proposition that Socialism is the real doctrinal heresy of our time. Communism is basically objectionable, so insist the anti-

[3] "The Real Danger — Fear of Ideas" by Henry Steele Commager, *N. Y. Times Magazine*, June 26, 1949.

Communists, not because of its ideas or program but because of the manner in which the Communist Party is organized, that is, as a *societas perfecta,* a society-within-a-society which is destined to destroy the society it is within.[4] The argument carries the inference that if Socialism were advocated by some other type of party, it would not be heretical. But this is clearly an illusion. Heresy does not consist in organizational forms; witches were persecuted, not because they belonged to the society of witches, but because they rejected the one true faith. The Albigensians were not disobedient because they had an "apparatus"; they had an apparatus because they were disobedient. If the form of the Communist Party were all that mattered, recent heresy campaigns would have taken an entirely different direction. What does the form of the Communist Party have to do with Owen Lattimore's views on China? Or with the quality of Ring Lardner's work as a screen writer? The argument that the "anti-red" crusade is directed not against the idea of Socialism but against the Communist Party as such is as fallacious as it would be to say that gangsters are prosecuted not for what they do, but for the way in which gangs are organized. There are many organizations in our society that are organized no less undemocratically than the Communist Party; for example, corporations with nonvoting stock, certain religious organizations, and others. We do not harass these organizations or their members for the reason that their objectives meet with tacit approval. But Socialism advocated by angelic missionaries preaching nonviolence and practicing the purest democracy would still be objectionable, would still be a form of heresy.

Heresies cannot be defined in doctrinal terms for the simple reason that the doctrinal issue masks the real dispute. No one can understand the doctrinal guises in which the heresy crusades of another age found expression; the reality of these crusaders is to be found in the struggle of privileged groups to suppress any challenge to their authority in time of storm. It is the rise of new ideas, brought into being by changing social conditions, that, as Lerner points out, makes the free discussion of any ideas

[4] *Yale Law Journal,* Vol. 58, p. 1218.

dangerous. Communism is heresy, Socialism is heresy, Planning is heresy, Welfare is heresy, indeed it would be quite impossible to complete a listing of the doctrinal guises and forms in which modern heresy finds expression. Jazz music and abstract art are heresies. Any idea can be heretical if it registers nonconformity.

If the real nature of heresy consisted in doctrinal differences and ideological deviations, then heresy hunts would logically be conducted in the form of doctrinal debates. But heresy is never debated: it is suppressed. The characteristic weapons of a heresy hunt are those of the police state and the inquisition. And it is by their choice of weapons that heresy hunters betray their real intention, which is not to win a debate but to control thoughts and stop the free discussion of ideas. Their first impulse is to reach for a club; they want the opponents locked up, silenced, terrorized. What they really fear is not doctrine but disobedience.

Late in 1949 a young minister scheduled a series of panel discussions for the enlightenment of his congregation. The first panel was to be devoted to a discussion of the topic: "Is Socialism or Capitalism More Consistent with Christian Values?" Despite the fact that the particular denomination stems from the great tradition of Protestant dissent and that the congregation enjoys a reputation for liberality, the discussion was canceled at the insistence of influential members of the church. The morbid fear of ideas which the cancellation implies cannot be explained by the statement that Socialism is a doctrinal heresy. What the congregation feared was not Socialism but *any significant discussion at this time.* Nowadays meetings are canceled not because the speakers are "radical" or the topics forbidden but because, in the present political atmosphere, any significant discussion is likely to be "controversial." Controversy is per se taboo because it implies disobedience or nonconformity. Any group that sponsors a meeting devoted to the discussion of a controversial subject runs the risk of being branded Communist; therefore, the way to avoid the risk is to avoid controversy, to practice total conformity.

It is this fear of heresy rather than heresy itself that needs to be defined. Heresy is tolerated in all societies, in all times, so

long as it does not assail the privileges of some dominant group. Spokesmen for such groups talk a great deal about "authority" and "order" and "freedom" and "discipline"; but they are not interested in any order they do not control or in freedom except as it serves their purposes. Witch hunts never restore social order; they are a form of disorder which breeds further disorder. "Bigots," wrote John Goodwin (1594–1665), "exalt the power or authority of the ruler only when they are quite certain that this power will be exercised in their own interests." When they talk about discipline, they really mean "persecution calculated to suppress the spread of truth." Heresy hunts produce conformity, not unity; indeed they destroy the basis of unity by insisting on total conformity. The basic aim of heresy crusades is to create a single official ideology. Anything that does not square with this ideology or that fails to support it is automatically denounced as heresy.

If an emergent heresy becomes the official ideology, the heresy concept is frequently applied in reverse. "Capitalism" and "Liberalism," "Free Speech" and "Zionism," then become dangerous heresies which must be fought with police-state methods. For the truth seems to be, as Gilbert Murray once pointed out, that "the limitations that have to be imposed, or at any rate are imposed, on free speech and thought in various societies are usually in exact proportion to the degree in which that society has lost its reserve of security and thus fallen away from civilization. The more truly a society is civilized, the more fully speech and thought within its precincts are free." [5] A regime that has failed to acquire "reserves of security" can act as arbitrarily, in this respect, as an older society conducting a delaying action against forces pressing for social change.

In the latter case, however, it is often difficult to see that the loss of these reserves of security is what really inspires the fear of heresy. It is hard to believe, as Lerner has pointed out, that "freedom can die as effectively from exhaustion of the air in a closed chamber as from a dagger thrust by an avowed enemy." The dagger can be seen and is therefore real: "the exhaustion of

[5] *Liberality and Civilization*, 1938.

the air" is invisible and therefore an illusion. Actually the fear of heresy always manifests a prior loss of freedom. A free people will not fear heresy. There are many people in our society who are so fearful of their precarious status, their marginal security, that they dare not examine ideas which have been branded heretical. With them the officially banned heresy becomes a synonym for all the things they fear and, since it is difficult to hate an idea, the "accursed group" becomes the symbol of everything they hate.

The fear of ideas, in turn, is based on the belief that ideas reflect absolute truths which exist independently of the real world and are capable of being divided into neat categories marked "good" and "evil," "safe" and "dangerous." This belief has always given rise to the suggestion that there should be an official guardian of the truth; that some infallible authority should sort out the good ideas from the bad; and that the people should be protected from "false" ideas by political censorship. It is a belief which seems to experience a rebirth whenever a social order is under serious attack for it provides an excellent ideological prop for the contention that social relationships should be cast in a permanent hierarchical order because ideas can be arranged in this order. Just as ideas have their neatly prearranged places in a timeless hierarchy of values, so each man has his proper place and each social group its ordained social role. Under various names, the belief has always been the cornerstone upon which the concept of heresy rests.[6]

2. *THE BLOODY TENETS YET MORE BLOODY*

> It is proper for a cruel religion to live upon blood. For us, we will save whom we can; but whom we cannot, we will not kill.
>
> — BISHOP JOSEPH HALL

Crusades against heresy are organized on the assumption that ideas cause social storms and that the suppression of the idea or

[6] See *Ideas Have Consequences* by Richard Weaver, 1948, one of the more interesting elaborations of this doctrine.

heresy will cause the storm to subside. The attempt to suppress ideas, however, leads to the adoption of methods which are essentially self-defeating. Heresies, for example, cannot be liquidated by force. "Unless every Catholic in England can be destroyed," wrote Sir Robert Bruce Cotton (1571–1631), "and that with one blow, it is fruitless to cut down a few for the sake of an example." Heresy prosecutions spread the storm by arousing the undying enmity of those against whom they are directed. The heretic lives for the day when he can stalk his inquisitor as a heretic. The more viciously the heretic is attacked, the more resentful he becomes. Even the disappearance of a particular heresy will not abate the storm, for heresy is a symptom and not a cause. If one symptom disappears, the patient will promptly develop other symptoms. Put the heretic to death, and you make a martyr of him; cut off his tongue, and he will write with his hand; cut off his right hand, and he will write with his left. Even the threat of the death penalty will not dissuade him for men will die, unfortunately, almost as readily for error as for truth.

Heresy prosecutions have the disastrous effect of dividing a society into irreconcilable camps. At the outset of the storm, there is usually a party of "moderates" between the inquisitors and the heretics; but if the inquisition is prolonged, this party is quickly depleted for most of the moderates will be compelled to take up a position in one camp or the other, not upon the basis of conviction or preference but simply because they fear or dislike one extreme more than the other. The effect of heresy prosecutions, therefore, is to weaken and often to immobilize the only elements that enjoy a relative immunity from the delusions of both extremes.

In heresy inquisitions, also, the temptation arises to use the charge of heresy in an indiscriminate manner. Inquisitors seldom bother to define the heresies they condemn. The effect is to spread error and confusion and to add unwilling recruits to the camp of the heretics by applying false labels. "Take heed," warned Thomas Fuller, the church historian, "of trying to kill all in a dragnet." The persecution of heretics also deprives the persecuting party of whatever moral advantage this party may

initially have enjoyed by reason of its rejection of police-state methods. Once the Protestants began to persecute Catholics as heretics it was said: "Wherein now are the Protestants more merciful than the papists, or the papists than the Turks?" It is the peculiar evil of heresy prosecutions that they are invariably justified by sentiments of the deepest piety, a circumstance which makes possible the use of the most savage reprisals. "In effecting their ends," wrote Jacobus Arminius, "a persecuting party spares no injury, which either human ingenuity can devise, the most notable fury can dictate, or even the office of the infernal regions can supply. Those who differ from the persecuting party are attacked with all kinds of weapons; with cruel mockings, calumnies, execrations, curses, excommunications, anathemas, degrading and scandalous libels, prisons, and instruments of torture." [7]

The persecution of heretics also has the paradoxical effect of weakening the solidarity of the persecuting party by spreading confusion in its ranks. Some will believe that not enough violence is being used; others will conclude that less violence would be more effective. Some, out of sympathy, will begin to identify with the heretics. Unfortunately, also, power always tends to gravitate, in heresy persecutions, into the hands of irresponsible extremists. The more brutally heretics are persecuted, the more guilt the persecutors will feel; and the guiltier they feel, the less scruples they will have about the use of violence.

The human mind being fallible, the persecution of heresy is really tantamount to a condemnation of human nature and a betrayal of one's humanity. The theologians of another age, who had seen oceans of blood shed in holy wars against heretics, recognized more clearly than we do that there is a saving grace in all men, regardless of their views, and good in all things, even those that appear to be entirely evil. Sir John Selden argued, some centuries ago, that it is idle to persecute heretics since men choose their opinions for reasons which too often have little to do with the truth. Most men, moreover, are quite sincere when

[7] Quoted by Jordan, *op. cit.*, Vol. III, p. 326. The three volumes making up Dr. Jordan's study – *The Development of Religious Toleration in England* – contain materials indispensable to the study of heresy.

they espouse a new social doctrine however mistaken this doctrine may be. "It would indeed be a strange man," wrote Acontius, "who would deliberately incur hatred and danger if he were not sincere. To condemn him is like condemning God for not endowing him with good sense."

Once, when the pathology of the disease was not understood, the victims of St. Vitus's dance were beaten with sticks and stones, as a therapeutic measure. The beatings, of course, only aggravated the disease. Much the same is true of attempts to beat heresies out of heretics. "In a learning way," wrote Richard Baxter, "men are ready to receive the truth, but in a disputing way, they come armed against it with prejudice and animosity. . . . Nothing so much hindreth the reception of truth, as urging it on men with too harsh importunity, and falling too heavily on their errors. For thereby you engage their honour in the business, and they defend their errors as themselves, and stir up all their wit and ability to oppose you."

In the course of a war against heresy both parties stray further and further from the truth; indeed the truth becomes entirely irrelevant and the doctrinal differences become utterly meaningless in view of the similarity in methods. Divisions are enlarged by the fury with which conformity is demanded and fear so distorts the image of "the enemy" that this image soon bears no resemblance to reality. There is, as Charles Horton Cooley once pointed out, a real subservience in contradiction.

To use coercive methods to force heretics to abandon their heresies before they have attained a measure of truth is, as Jeremiah Burroughs (1599–1646) observed, "to seek to beat the nail in by the hammer of authority, without making way by the wimble of instruction. Indeed, if you have to deal with rotten, or soft, sappy wood, the hammer only may make the nail enter presently, but if you meet with sound wood, with heart of oak, though the hammer and hand that strikes be strong, yet the nail will hardly go in. It will turn crooked or break; or, at least, if it enter, it may split that wood it enters into; and, if so, it will not last long."

Heresy prosecutions can have a somewhat different effect in

new societies, which are seeking to prevent attacks upon social structures not yet fully formed, than in older societies seeking to prevent social change. If the former are really developing new "reserves of security," they may show a greater long-range resistance to the disintegrative effects of heresy prosecutions than the latter. The appearance of heresy in a society whose social relations have become historically obsolete is an indication that some essential social truth has been too long neglected in that society. The passion and fury with which heretics are attacked would indicate that there is usually some central truth in their dogmas. Heresy prosecutions tend to divert attention from the discovery of this truth, and at the same time they destroy the unity and consensus necessary to carry through major social reforms. The longer the heresy hunt lasts, the greater the disunity it creates. Soon people are being denounced not for their heresies but simply because they refuse to denounce the heresies of others.

This is not to argue that heretics should be treated with special solicitude. The question is: By what means are heresies to be opposed? Essentially the question relates to the problem of how to deal with conflict in society, of how to reconcile conflicting ideologies. Perhaps the most important tactical point is one emphasized by Edmond Taylor. "Instead of attempting the hopeless task of removing irremovable delusions in others," he writes, "we should concentrate on the difficult but possible task of preventing them from begetting new delusions in us. . . . It is our inability to free our own minds from delusions that blinds us to the tremendous power for dispelling delusion exercised by a mind which is itself free from delusion. The key to the problem of combating delusion therefore appears to be mainly a question of trying to acquire this power." Essentially this is what Max Lerner had in mind when he wrote in *Ideas Are Weapons:* "If we are to be successful in retaining democratic institutions and expanding their meaning, we must be clear about the meaning of democratic ideas, we must make these ideas persuasive, and we must above everything make them an integral part of our daily lives." [8]

The anti-Communist ideology is shot through and through with

[8] 1939, p. 10.

elements of pure delusion. For example: that freedom of the press cannot be undermined by the economics of newspaper publishing in a "free enterprise" system or that free enterprise means anything other than the freedom of corporate management from social controls. Or the delusion that academic freedom is in greater danger from Communist infiltration than from the economic pressures which have begun to undermine the security and independence of American colleges and universities or the twin notion that the best way to prepare young minds to live in a world of dangerous ideas is to protect them from all such ideas while they are in college. Artists are "regimented" in Socialist regimes but enjoy, of course, complete freedom in a free enterprise system, just as Socialism imperils civil liberties while monopoly capitalism does not. Russia, of course, is interfering in the affairs of eastern European countries; but we are merely "helping" the nations of western Europe. The basis for this last and most similar delusion is suggested in Howard K. Smith's comment that "Russian influence over other governments is crassly visible; American influence is like an iceberg, only the smaller part can be seen by the naked eye." [9]

If we were to examine our relations with the Russians after freeing our minds from these and many similar delusions, it is altogether possible that we might see the problem in somewhat different terms. It is equally possible, also, that we might then say and do some of the things which would dispel rather than confirm the delusions which the Russians entertain about us. It has been pointed out again and again that the Russians are the prisoners, in this respect, of their official dogmas; but we seem determined to confirm these dogmas. "Godly opposites," wrote a sixteenth-century theologian, "have a tendency to regard one another as monsters."

Another tactic recommended by Taylor is this: "Never attempt to combat delusion by using the subversive, disintegrative, and delusive technique of psychological warfare against those who are afflicted with it." This, if you please, from the foremost American authority on psychological warfare. Heresy inquisi-

[9] *State of Europe*, 1950.

tions are a form of psychological warfare directed by a government, not against "enemies" abroad, but against the people in whose name the government functions. The use of the tactics of psychological warfare against a people already suffering from the effect of these tactics is doubly dangerous. Once men have lived under the yoke of oppression, anywhere, at any time in their lives, either as individuals or as social groups, they will be likely, in less oppressive circumstances, to be self-assertive, arrogant, and suspicious. The delusions of persecutions from which they suffer must not be circumstantially confirmed; time alone will cure resentments stemming from prior persecutions and repressions. Any attempt to encircle or contain a nation which is already suffering from delusions of encirclement can be an extremely dangerous undertaking.

Taylor's formula for dealing with paranoid delusion is simply this: the delusion may be denounced but not the deluded one. On this score we might well borrow a page from the Hindus, who seek harmony rather than truth in social relations. "They try to dispel their group-delusion," writes Taylor, "by seeking to eliminate the element of hate from group relationships." In this respect they retain a feeling which we seem to have lost of the reality of the oneness, the unity, of human nature. To them the intensity and sincerity of a person's longing for truth matters more than the "correctness" of his views. But with us, as Taylor points out, "all truth proceeds from God and all error from Satan." It is either appeasement or unconditional surrender; defeatism or counter-fascism; Communism or anti-Communism. Either we want to burn witches or we go off and bury our heads in the sand. Taylor was surprised to discover that the Hindus actually seemed to listen to one another in the course of political discussions; they really seemed *to hear* what a political opponent had to say and to be interested in his views. But we merely pause, with obvious impatience, until we can regain the floor and resume our favorite political monologue.

In ideological conflicts, the first task is to attempt to free one's own mind from delusion and then to seek to identify the element of delusion in the opponent's point of view. Often this element can

best be exposed by emphasizing the discrepancies between the heretic's ideology and his behavior; by calling attention to the prophecies that have gone unfulfilled and the promises that remained unredeemed. It is usually a mistake, however, to undertake a frontal attack upon an ideology. The ideology can be analyzed, dissected, criticized, and rejected *in toto* without denouncing it as a heresy. The professional anti-Communists, who are totalitarians in a thin disguise, would have us believe that he who says A must say B: that those who oppose Communism must be willing to fight it as a heresy. But heresy campaigns have certain strategic limitations apart from the fact that they involve the use of self-defeating methods. It is implied, for example, that any idea or measure which is in any manner associated or identified with the heresy must be rejected simply for this reason. The anti-Communists have even carried their obsession with heresy to the point of denouncing any criticism of capitalism as subversive. Yet, with Congress appropriating billions "to fight Communism," the Federal Trade Commission reports that certain trends in the American economy, if permitted to go uncorrected, will eventually lead us into some form of collectivism.[10] Presumably, however, any attempt to deal with these trends in a radical manner would be automatically ruled out of consideration by our prior commitment "to fight Communism," although a radical reform of capitalism might be one means of countering Communism. It is a serious mistake to commit America to an anti-Communist strategy for the choice confronting this country is not between Communism and anti-Communism but, as Lancelot Whyte has pointed out, "between a social order which the whole world accepts as just, and no order at all." However if Communism is to be fought as a heresy, then the anti-Communists are entirely correct, and having said A we must then proceed to say B, C, and D, that is, we must buy the whole anti-Communist program.

A basic objection to this program – prepared by those who have made a career of "fighting Communism" – is that in time of storm the fear of heresy is exploited in the most unscrupu-

[10] See *The Merger Movement: A Summary Report*, 1948.

lous manner and for the most diverse purposes. Whatever the purpose, however, the effect is always to stimulate the fear itself. A major problem in dealing with heresy, therefore, is to minimize the fear of heresy: to keep it within manageable bounds. For sooner or later, and generally sooner, the fear of heresy becomes more troublesome than the agitation denounced as heretical. Every measure taken to suppress heresy – each yielding to the fear of heresy – only augments the fear and arouses further apprehension which in turn leads to the demand for additional and still more repressive measures. Soon the measures which are proposed – which are in fact demanded – bear no relation whatsoever to any real or imagined risk. Thus a government that launches a heresy prosecution, either from a fear of heresy or to win an election, will eventually discover that the imaginary monsters of error it helped to create have turned into real monsters who are quite capable of destroying the government that brought them into being.

Repressive measures will never allay the fear of heresy, for these measures describe, in statutory terms, the fears of their sponsors. For example, the requirement of non-Communist affidavits will only lead to the demand for more comprehensive abjurations at frequent intervals. We were originally told that the loyalty program was primarily designed to protect certain "sensitive" positions in the government service and that it was temporary in character. Today the program has been expanded to cover virtually the entire field of government service, state and local as well as federal (in Los Angeles, street cleaners must abjure the Communist heresy). The suggestion is now made that loyalty review boards should be set up as a permanent agency of government and that the whole loyalty program should be "broadened."[11] But the program can never be broadened enough to quiet the fears of those who fear heresy.

The main tactical point to observe in dealing with the fear of heresy is that repressive measures stimulate this fear; if the measures are necessary, so the people reason, then the situation must be even worse than it is described. One of the best ways,

[11] See story by Cabell Phillips, *N. Y. Times*, February 19, 1950.

therefore, to cope with the fear is to throw special safeguards around the exercise of civil rights. "The greater the importance of safeguarding the country from incitements to the overthrow of our institutions by force and violence," as the late Chief Justice Hughes pointed out in the *De Jonge* case, "the more imperative is the need to preserve inviolate the constitutional rights of free speech, free press, and free assembly, in order to maintain the opportunity for free political discussion, to the end that government may be responsive to the will of the people." And to the further end that the fears of the people may be quieted: for free political discussion is the best medicine for the fear of heresy.

A program to combat the fear of heresy would include such steps as the following (the list is not intended to be inclusive): the early enactment of the President's civil rights program; the abrogation of Executive Order No. 9835, of March 22, 1947, setting up the loyalty program; the removal from the Attorney General of the power — if it is finally ruled that he has the power — to list, in a purely *ex parte* manner, organizations which in his opinion are "subversive"; the abolition of the House Committee on Un-American Activities, and the various state committees created in its image, and all similar inquisitorial bodies; a strengthening of civil service guarantees which have been disastrously undermined in the last three years; the strengthening, at every point, of teacher tenure and of the principle of academic freedom; the rejection of the test oath in all its forms, including the non-Communist affidavit required by the Taft-Hartley Act; a prompt reversal of the tendency to use the FBI as a political police; a reaffirmation of the right of free political association; and a firm rejection of the notion that political conformity can be a test of loyalty or of the right of a citizen to receive an education or to exercise any other right of citizenship.

Such a program should also stress the necessity of restricting special security measures, including all forms of security censorship, to an absolute minimum in accordance with the urgent recommendations which have been made by virtually every scientist who has been associated, in any manner, with the atomic energy program. Scientists simply cannot function in what David

Lilienthal has called "the neutron-infested squirrel-cage atmosphere" which is immediately created when security becomes an obsession. Security is not incompatible with freedom; on the contrary, our freedom is still the best measure of our security. "Secrecy," writes Hanson W. Baldwin, "is not security. . . . Security above all is spirit and morale and progressive, advanced and imaginative thinking and secrecy is the enemy of these."[12] Security regulations and loyalty investigations will seldom if ever reveal the potential traitor, nor are they likely to turn up the spy or agent. Besides, democracies are committed to certain risks for the reason that freedom itself is a commitment. Police state methods do not provide insurance against these risks. They increase the risk by destroying the morale and unity of the people and by spreading, far and wide, the fear of heresy. They create, as Dr. J. Robert Oppenheimer has pointed out, "a morbid preoccupation with conformity, and a widespread fear of ruin, that is a more pervasive threat precisely because it arises from secret sources."[13] "Many of our best scientists left Nazi Germany because science was not free," Dr. Arthur H. Compton told the closing session of the Rotary International on June 16, 1949, "and the tenor of political thought today is leading many a scientist to ask himself whether this situation is not repeating itself in America, whether even in the United States thought can be free and humane motives be supreme." The freedom of the scientist has become, indeed, the key test of whether we intend to solve social, economic, and political problems by free discussion and the application of scientific methods; or whether we intend to permit a manipulated fear of ideas to silence all discussion and to make prisoners of modern scientists.

In dealing with heretics and the fear of heresy, the basic tactic is to cope with situations rather than symptoms; or, as Acontius said, "with problems not with doctrines." If Protestants and Catholics had tried to reconcile their doctrinal differences, the religious wars of Europe might well have been carried over to this continent. Fortunately they decided to co-operate in the

[12] *N. Y. Times*, May 26, 1949.
[13] *New Republic*, June 6, 1949.

upbuilding of the American nation, and in the course of this undertaking they learned to practice a measure of doctrinal forbearance. This margin of tolerance, however, is beginning to vanish as new problems beset the nation and its churches; the more acute these problems have become, the more sharply the doctrinal differences have once again come to be emphasized. If a team of social scientists had been asked to arrest the belief in witchcraft, they would certainly have concerned themselves, not with the doctrines and delusions of witches, but with what Michelet assigned as the real cause of the belief in witchcraft, namely, "the instability of condition and tenure, this horrid, shelving declivity, down which a man slips from free man to vassal — from vassal to servant — from servant to serf." By failing to be concerned with "this horrid, shelving declivity," Europe became, by the time of the Reformation, "a vast subterranean volcano, an unseen lake which, now here, now there, betrayed its existence by outbursts of fire and flame." Doctrinal disputes doubtless aggravate conflicts but the conflicts antedate the quarrel over doctrine.

The belief in heresy is tantamount to the belief in original sin. It is a variation of the notion that people can be divided into categories of the "damned" and the "elect" for it implies that there are "good" ideas and "bad" ideas and that problems are merely the result of bad ideas. Thus problems are not to be solved by the application of scientific method but by the application of thought control, for if enough people have the right ideas, how can there be any problems? The heresy manual of the inquisitor with its neatly graduated scale of punishments for a vast specification of heresies was the counterpart of the medieval conception of a purgatory in which endless special punishments had been worked out for an unending catalogue of minutely defined sins and punishments. The belief in heresy is a form of intellectual predestination utterly incompatible with a belief in freedom and, as such, it is the one real heresy.

By a strange but understandable paradox, the more we yield to the anti-Communist hysteria, the more we minimize the differences between democracy and Communism. The more vio-

lently we "fight Communism," as a heresy, the more we are compelled to borrow and apply the methods of the police state. Already a note of official "correctness" has begun to invade even informal political discussions and nearly everyone is nowadays concerned to avoid, if possible, any criticism of the main tenets of the anti-Communist ideology. Today it is quite clear that any criticism of social conditions is likely to be met with a charge of Communism and the knowledge that this can happen has had a clear tendency to stifle social criticism. The differences between democracy and Communism are still great; but they need to be clarified, not confused.

Before we proceed any further along the road that leads to the police state, it might be well to consider a figure of speech suggested by Jeremiah Burroughs which can be read today as a parable. "It is with the saints here," he wrote, "as with the boughs of trees in time of storm. You shall see the boughs beat one upon another as if they would beat one another to pieces, as if armies were fighting; but this is but while the wind, while the tempest lasts; stay awhile, you shall see every bough standing in its own order and comeliness; why? because they are all united in one root; if any bough be rotten, the storm breaks it." The boughs grind against each other because the storm drives them; they do not drive the storm. It is with the storm, not with the beating of the boughs, that we should be concerned; for it is only while the wind, while the tempest lasts, that the boughs beat one upon the other.

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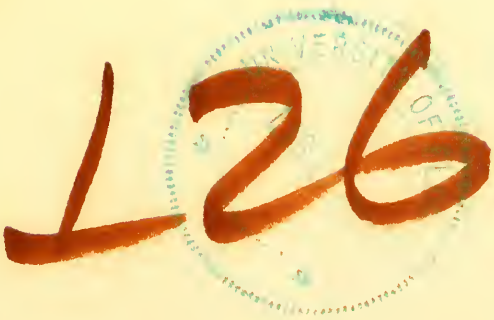
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